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Sec. 2-1. Short Title.

The provisions of this Chapter may be referred to or cited as the "zoning regulations".

Sec. 2-2. Application and Exceptions.

These zoning regulations apply to all land located within the City's corporate limits, except as follows:

- A. These zoning regulations do not apply to a Building, Structure, or land owned or leased by the City, the State of Texas, or the United States, or an agency thereof.
- B. Except as otherwise specifically provided for in this Chapter, this Chapter does not apply to the erection, construction, alteration, or maintenance of cables, conduits, lines, wires or vaults, or similar equipment lawfully installed and maintained by a Public Utility. This exemption does not apply to Buildings, Structures, or communication towers constructed by, owned, or controlled by a Public Utility.

Sec. 2-3. Comprehensive Plan.

It is the intention of the City that these zoning regulations implement the policies adopted by the City, as reflected in the Comprehensive Plan. All zoning amendments must conform to the Comprehensive Plan.

Sec. 2-4. Violations and Penalties.

- A. It is unlawful for any person to knowingly, intentionally or recklessly violate, or cause or allow any other person under his or her control or authority to violate, any provision or requirement of these zoning regulations.
- B. In particular, it is unlawful for any person:
 - 1. To make use of any Premises for a purpose other than what is permitted in the zoning district in which the Premises is located;
 - 2. To erect, convert, enlarge, reconstruct, or structurally alter any Building or Structure for a purpose other than what is permitted in the zoning district where the Building or Structure is located;

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3. To construct or alter any Building unless the Building is located on a Lot platted in accordance with the regulations of the City;
- C. The violation of any provision of these zoning regulations is unlawful and may be punished by a fine not to exceed \$2,000.00 for each offense. Each day a violation occurs is a separate offense.

Sec. 2-5. Interpretation.

If any provision of these zoning regulations imposes a higher standard than that required by any other City regulation or if there is a conflict between the provisions contained in these zoning regulations, and the provisions of any City regulation, actions shall be in accordance with Section 1-8 (Conflicts) of this Code.

Sec. 2-6. Site Plan Packages

- A. Site Plan Packages for all nonresidential, townhome, and multi-family developments in the City shall be submitted for review and approval prior to the issuance of applicable building or foundation permits. The purpose of submittal of the Site Plan Package is to allow a Development Review Committee (DRC) of City staff to review for land use, traffic, utilities, environmental issues, and the property's relationship to adjoining properties. The review shall include, but is not limited to, plat status, zoning compliance, building lines, landscaping, screening, parking, driveway locations, connections to existing utilities, and drainage. The Site Plan Package shall illustrate that the development complies with this Code and the Design Standards. Where a phased development or redevelopment is proposed, the site plan area shall include the entire platted lot from which the phase is being developed. Requirements for Site Plan Package submittals within the extraterritorial jurisdiction (ETJ) are covered in Chapter 5 (Subdivision Regulations).
- B. Approval of the Site Plan Packages shall expire unless additional permits for the Project are obtained within 1 year from the date of approval of the Site Plan Package. The Director may, upon written application, grant a 1-year extension of time to make use of the Site Plan Package.

Sec. 2-7. Development Review Committee

- A. A Development Review Committee (DRC) of City staff shall be organized to ensure compliance of platting and site plan applications with the Development Code, Design Standards, Development Application Handbook, and all other codes of the City. In addition, the DRC will review pre-development submittals including zoning changes, Conditional Use Permits, and Variances and ensure coordination with other departments and divisions involved in the development process. The DRC is co-chaired by the Director of Planning or the Director's designee and the City Engineer or the City Engineer's designee. The DRC also reviews development submittals within the extraterritorial jurisdiction (ETJ) within the purview of Chapter 5 (Subdivision Regulations), Chapter 6 (Design Standards), and any applicable Development Agreements for specific properties.
- B. Requirements for the form and manner of application submittals, including graphic requirements, shall be set forth by the Planning Department in the Development Application Handbook.

Secs. 2.8—2.10. Reserved.

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Sec. 2-11. Annexation and Permanent Zoning.

- A. Land annexed to the City will be permanently zoned following annexation. The procedure for original permanent zoning is as follows:
1. The Commission will make a report to the City Council recommending the zoning classifications for the land annexed;
 2. The Council will hold a public hearing on the proposed original permanent zoning, notice of the time and place of which have been published in the official newspaper or a newspaper of general circulation in the City before the 15th day before the date of the public hearing. After the public hearing, the City Council may, by ordinance, permanently zone the annexed property.
- B. All territory annexed to the City is temporarily classified as a R-1-I district (Interim Standard Single-Family Residential), unless the City Council designates a different temporary zoning classification in the annexation ordinance. As soon as practical after annexation, permanent zoning shall be adopted. The building official may issue permits for the construction of buildings and structures in any annexed territory if the proposed use is allowed under the temporary district classification. If the use is not allowed under the temporary district classification, the building official shall submit the proposed use to the City Council for approval or denial, after receiving the recommendation of the Planning and Zoning Commission.

Sec. 2-12. Rezoning.

The following procedures apply to rezoning land:

1. *Initiation.* A rezoning may be initiated by the Director, by direction of the Commission or Council, or by the landowner filing an application with the Director.
2. *Commission Hearing and Report.* The Commission will hold a public hearing on each proposed rezoning, for which notice of the time and place of the hearing has been published in the official newspaper or a newspaper of general circulation in the City before the 15th day before the date of the public hearing. Notice must be given as required by law to owners of any premises located within 200 feet of the land subject to the rezone. After the public hearing, the Commission will make a recommendation to the Council for denial or approval of the request. A tie vote on a request for a rezoning is deemed to be the Commission's recommendation that the requested rezoning be denied. If the Commission recommends denial, the application may not be submitted to the Council for consideration unless the applicant files a written request with the Director within 30 days of the date of denial asking that the Council consider the request.
3. *City Council Hearing and Action.* After receiving a recommendation from the Commission, the City Council must hold a public hearing on the rezoning request, for which notice of the time and place of the hearing has been published in the official newspaper or a newspaper of general circulation in the City before the 15th day before the date of the public hearing, or as provided by state law. Notice must be given to owners of any premises located within 200 feet of the land subject to the rezone. After the close of the public hearing, the City Council may approve or deny

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the request, return it to the Commission for further consideration, or take whatever other action the Council deems appropriate. The affirmative vote of at least $\frac{3}{4}$ of all members of the Council is required to:

- a. Overrule the Commission's recommendation that a proposed rezoning be denied; or
 - b. Approve a rezoning, if the City receives, as provided by state law, a written and signed petition from adjoining landowners protesting the change.
4. The 200-foot notice provisions in paragraphs 2 and 3 do not apply to a comprehensive rezoning of land within the City.
5. *Joint Hearings.* The City Council may hold a joint public hearing with the Commission on a rezoning request as provided for by state law. In case of a joint hearing, the City Council may not act on the request until it receives the report of the Commission.
6. *Reconsideration.* An application for a rezoning that is denied by the Council, or which is withdrawn by an applicant after the Commission makes a report recommending denial, may not be again submitted for filing with the Director within 6 months of the Commission recommendation or Council denial, except upon the consent of the City Council.

Sec. 2-13. Text Amendment.

Amendments to the text of the provisions of these regulations may be initiated by the Director, Commission, or the Council. The Commission must make a recommendation on any proposed amendment to the Council. Before taking any action on the proposed amendment, the Council must hold a public hearing, for which notice of the time and place have been published in the official newspaper or a newspaper of general circulation in the City at least 15 days prior to the hearing date, or as provided for by state law.

Secs. 2-14—2-18. Reserved.

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Sec. 2-19. Purpose.

A Conditional Use Permit is a process by which a particular use is reviewed in relation to a specific site to determine whether the proposed use, with or without the imposition of conditions, is appropriate for the Premises.

Sec. 2-20. Site Plans Required.

In addition to the required application, the applicant must submit site plans in the form and manner specified by the Director and in the Development Application Handbook, showing the details of the proposed use and its relationship to surrounding properties.

Sec. 2-21. Review Process.

The following procedures apply to Conditional Use Permits (CUP):

1. *Commission Hearing and Report.* The Commission will hold a public hearing on the proposed CUP, for which notice of the time and place of the hearing has been published in the official newspaper of general circulation in the City before the 15th day before the date of the public hearing. Notice must be given as required by law to owners of any Premises located within 200 feet of the land subject to the CUP. After the public hearing, the Commission will make a recommendation to the Council for denial or approval of the request. A tie vote on a request for a CUP is deemed to be the Commission's recommendation that the requested change be denied. If the Commission recommends denial, the application may not be submitted to the Council for consideration unless the applicant files a written request with the Director within 30 days of the date of denial asking that the Council consider the request.
2. *City Council Hearing and Action.* After receiving a recommendation from the Commission, the City Council will hold a public hearing on the CUP request, for which notice of the time and place of the hearing has been published in the official newspaper or a newspaper of general circulation in the City before the 15th day before the date of the public hearing, or as provided by state law. Notice must be given to owners of any premises located within 200 feet of the land subject to the CUP. After the close of the public hearing, the City Council may approve or deny the request, return it to the Commission for further consideration, or take whatever other action the Council deems appropriate. The affirmative vote of at least ¾ of all members of the Council is required to:

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- a. Overrule the Commission's recommendation that a proposed CUP be denied; or
 - b. Approve a Conditional Use Permit, if the City receives, as provided by state law, a written and signed petition from adjoining landowners protesting the change.
3. *Joint Hearings.* The City Council may hold a joint public hearing with the Commission on a CUP request as provided for by state law. In case of a joint hearing, the City Council may not act on the request until it receives the report of the Commission.
4. *Reconsideration.* An application for a CUP that is denied by the Council, or which is withdrawn by an applicant after the Commission makes a report recommending denial, may not be again submitted for filing with the Director within 6 months of the original date of filing, except upon the consent of the City Council.
5. *Conditional Use Permit for a School.* For an application for a CUP for a school (SIC No. 8211), the notice to property owners for the hearing before the Commission shall be given to the owner of any premises located within that distance by which a city may, by ordinance, prohibit the sale of alcoholic beverages by a dealer from a church, public school, or public hospital, as set forth in Section 109.33 of the Texas Alcoholic Beverage Code, as amended.

(Ord. No. 1282, § 2, 1-2-01)

Sec. 2-22. Standard of Review.

In reviewing the application, the Commission and Council will consider the impact the proposed use would have on surrounding premises and the community, including traffic, noise, compatibility, and land use intensity; any conditions or restrictions that could mitigate any adverse impact; and other matters that are relevant to a determination of whether the use would be a compatible and appropriate use of the premises.

Sec. 2-23. Conditions.

The Commission may recommend, and the Council may impose, reasonable conditions and restrictions in the granting of a permit to mitigate any adverse impacts of the proposed use. The conditions must be specified in the ordinance approving the permit.

Sec. 2-24. Council Action.

A Conditional Use Permit is approved by the Council's adoption of an ordinance. All site plans, conditions and restrictions applicable to the permit must be incorporated into the ordinance approving the permit. The permit may be shown on the zoning map in the manner specified by the Director. A permit granted under this Article runs with the land.

Sec. 2-25. Expiration.

Unless specified otherwise in the ordinance granting the permit, the Conditional Use Permit terminates if:

1. A Building Permit application for construction of the use authorized by the ordinance has not been obtained within 2 years of the date of the ordinance granting the CUP; or

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2. A Building Permit application to fully construct all phases of the uses authorized by the ordinance granting the CUP has not been submitted within 5 years of the date of the ordinance granting the CUP.

The Council may, upon receiving written application and after receiving the recommendation of the Commission, grant an extension of time to make use of the CUP.

(Ord. No. 1267, § 1, 11-21-00; Ord. No. 1592, § 1, 11-7-06)

Sec. 2-26. Revocation.

A CUP may be revoked by the City Council if any of the terms of the CUP are violated. The same procedures used in granting the CUP, including notices and hearings, must be followed in any revocation proceeding.

Secs. 2-27—2-31. Reserved.

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Sec. 2-32. Initiating an Appeal.

Any person specified by state law may appeal an administrative official's decision on a zoning regulation to the Board of Adjustment. An appeal is filed by the applicant submitting a completed notice of appeal, within the time established by the rules of the Board, along with the required fee, to the Director on a form provided for that purpose. The notice of appeal must contain a statement of the reasons the party appealing believes the decision appealed is not a correct decision.

Sec. 2-33. Proceedings Stayed.

The proper filing of an appeal stays all proceedings in furtherance of the action that is appealed, unless the official from whom the appeal is taken certifies in writing to the Board facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceeding may be stayed only by a restraining order granted by the Board or a court of record on application, after notice to the official, if due cause is shown.

Sec. 2-34. Public Hearing.

The Director will schedule a public hearing on the appeal before the Board of Adjustment. Written notice of the time and place of the hearing must be published in the official newspaper or a newspaper of general circulation in the City before the 10th day before the date of the public hearing. Notice must be given as required by law to owners of any premises located within 200 feet of the land subject to the appeal.

Sec. 2-35. Burden of Proof.

The burden of establishing that the decision appealed was wrong is on the party bringing the appeal.

Sec. 2-36. Board Decision.

After the close of the public hearing, the Board may reverse or affirm, in whole or in part, or modify the administrative official's decision from which an appeal is taken and make the correct decision. A vote to reverse or modify the administrative officer's decision requires a vote of 75% of the members of the Board.

Secs. 2-37—2-41. Reserved.

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Sec. 2-42. Application.

A person requesting a Variance to any provision of the zoning regulations must submit an application to the Director on a form provided for that purpose, along with the required fee. The Director may require that the applicant submit any additional information necessary to undertake a complete analysis and evaluation of the Variance request and to determine whether the circumstances prescribed for the granting of a Variance exist.

Sec. 2-43. Report of Director.

The Director will review the application and information submitted and prepare and file a report thereon with the Board, a copy of which must be given to the applicant at least 5 business days before the public hearing.

Sec. 2-44. Public Hearing.

After receiving a proper application, the Director will schedule a public hearing on the Variance before the Board. Written notice of the time and place of the hearing must be published in the official newspaper or a newspaper of general circulation in the City before the 10th day before the date of the public hearing. Notice must be given as required by law to owners of any Premises located within 200 feet of the land subject to the Variance.

Sec. 2-45. Board Decision.

After the public hearing, the Board may, by the affirmative vote of 75% of its members, grant a variance to the terms of these zoning regulations if the Board finds:

1. The Variance is not contrary to the public interest, and
2. There are special circumstances or conditions applying to the land or building for which the Variance is sought,
3. A literal enforcement of the ordinance would result in unnecessary hardship; and
4. If granted, the spirit of the ordinance is observed and substantial justice is done.

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Sec. 2-46. Authority.

The Zoning Board of Adjustment may authorize a Special Exception to the residential setback requirements of Chapter 2 (Zoning Regulations).

(Ord. No. 1584, § 1, 8-15-06)

Sec. 2-47. Application For a Special Exception.

A person may file an application for a Special Exception with the Director, along with the required fee. The applicant must provide the following information:

1. The name and address of the applicant;
2. The address and legal description of the property;
3. The date the property became subject to the City's zoning or extraterritorial jurisdiction;
4. If the property was annexed, the date the property was annexed into the City;
5. A site plan showing the proposed location of the structure;
6. A copy of the recorded plat of the property;
7. A copy of the recorded covenants and restrictions for the property; and
8. Other information requested by the Director that may be necessary to evaluate the request.

(Ord. No. 1584, § 1, 8-15-06)

Sec. 2-48. Report of Director.

The Director will review the application and information submitted and file a report with the Board, a copy of which will be given to the applicant at least 5 business days before the public hearing.

(Ord. No. 1584, § 1, 8-15-06)

Sec. 2-49. Public Hearing.

The Director will schedule a public hearing on a completed application for a Special Exception before the Board. Written notice of the time and place of the hearing must be published in the official newspaper or a newspaper of general circulation in the City before the 10th day before the date of the public hearing. Notice must be given as required by law to owners of any premises located within 200 feet of the land subject to the special exception.

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(Ord. No. 1584, § 1, 8-15-06)

Sec. 2-50. Board Decision.

- A. After the public hearing, the Board may, by concurrence of 75% of its members, grant a Special Exception to a residential setback required by Chapter 2 if the Board finds that:
 - 1. The latest recorded plat of the property was approved prior to being annexed into the City;
 - 2. The latest recorded plat or other recorded restriction for the property establishes a setback, or other regulation that results in a setback, that is less restrictive than the setback required by Chapter 2;
 - 3. Granting the Special Exception will not establish a setback that is less restrictive than the setback established by the latest approved plat or other recorded restriction; and
 - 4. Granting the Special Exception will not be detrimental to the public welfare or injurious to the property or improvements in the district or neighborhood in which the property is located.
- B. To ensure that the granting of a Special Exception will not be detrimental to the public welfare or injurious to the property or improvements in the district or neighborhood in which the property is located, the Board may as part of its decision to grant a Special Exception:
 - 1. Impose reasonable conditions or restrictions; and
 - 2. Grant a setback between the setback requested and the setback currently established in the residential zoning district.

(Ord. No. 1584, § 1, 8-15-06)

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Sec. 2-51. Establishment of Districts.

A. *Standard Districts.* Land within the corporate City limits is divided into the following standard zoning districts:

Table 2-51.1: Standard Zoning Districts	
Abbreviated Designation	District Name
R-1E	Residential Estate
R-1	Standard Single-Family Residential
R-1R	Restricted Single-Family Residential
HR-1	Hill Area Residential
R-1Z	Zero Lot Line Single-Family Residential
R-2	Two-Family Residential
R-3	Townhouse Residential
R-4	Multi-Family Residential
B-O	Business Office
B-1	Neighborhood Business
B-2	General Business
M-1	Restricted Industrial
M-2	General Industrial

B. *Special Districts.* Land within the corporate City limits is divided into the following special zoning districts:

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Table 2-51.2: Special Zoning Districts

Abbreviated Designation	District Name
BR	Brazos River Park and Conservation Zoning District
PD ^a	Planned Development
AZ ^b	Airport Zone
MUC	Mixed Use Conservation District
REFERENCES	
a. This district may be created for land through the procedures specified in the zoning regulations.	
b. The land in this district is subject to the compatible land use regulations adopted by the Sugar Land Airport Zoning Commission and City Council.	

(Ord. No. 1401, § 1, 7-15-03)

Sec. 2-52. Official Zoning Map.

The location and boundaries of the various zoning districts are shown on the official zoning map, which is available on the City's website. The Director is responsible for custody of the map and will promptly make any changes thereon approved by the City Council. The provisions of an ordinance establishing a district, amending a district classification, amending a district boundary, or granting a Conditional Use Permit controls over any conflicting information shown on the official zoning map.

Sec. 2-53. Interpretation of District Boundaries.

Where uncertainty exists with respect to the boundaries of any of the districts shown on the official zoning map, the following rules apply:

1. The adopted ordinance with the surveyed legal description may be used for verification purposes of the district boundaries.
2. Where district boundaries are so indicated that they approximately follow the center lines of Streets, highways, watercourses or waterbodies, the Street center lines, highway Rights-of-Way lines, watercourse lines, or waterbody lines are construed to be the boundaries.
3. Where district boundaries are so indicated that they approximately follow the Lot Lines, the Lot Lines are construed to be the boundaries.
4. In areas not subdivided into Lots and blocks, wherever a district is indicated as a strip adjacent to and parallel to a Street or Highway, the depth of the strips will be in accordance with dimensions shown on the maps measured at right angles from the centerline of the Street, Highway, or railroad Right-of-Way, and the length of the frontage will be the dimensions shown on the maps from section, quarter-section, or division lines or center lines of Streets, highways, or railroad Rights-of-Way unless otherwise indicated.
5. Whenever any Street, Alley, or other public way is vacated by official action of the City Council, the zoning district adjoining each side of the Street, Alley, or public way will be automatically extended to the center of the vacation.

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6. Where the Streets or Alleys on the ground differ from the Streets or Alleys as shown on the zoning map, the Streets or Alleys on the ground control.
7. The Director shall make interpretations of the official zoning map.

Sec. 2-54. New and Unlisted Uses.

- A. If the Director determines that a proposed use is not a listed use or there is some ambiguity of its proper classification under the Land Use Matrix, the Director will consider the proposed use and its compatibility with the other uses permitted in the various districts and make a determination as to the district or districts within which the use should be located. In making a determination on the proposed use and appropriate district or districts where the use should be located, the Director will take into account elements such as:
 1. The intensity of the use;
 2. Uses that are similar to the proposed use and districts allowing those uses; and
 3. Operations of the proposed use and its impacts on surrounding areas.
- B. An applicant may appeal the Director's determination to the Zoning Board of Adjustment.

Sec. 2-55. Accessory and Temporary Uses

- A. *Accessory Uses.* An Accessory Use may not be established on any Lot prior to the establishment of the Principal Use.
- B. *Temporary Construction Office.* Temporary offices for construction may be used on the site of a construction project as a temporary use but must be removed upon completion of the project. In Residential Districts, a temporary construction office must cease upon the issuance of a Certificate of Occupancy for the last Dwelling Unit for the subdivision or project or, in the case of a subdivision or project for which approval has been given for phased development, for the last Dwelling Unit for that phase.

Sec. 2-56. Land Use Matrix.

- A. The Land Use Matrix is based on business activities as contained in the 1987 edition of the Standard Industrial Classification (SIC) Manual, published by the Executive Office of the President, Office of Management and Budget. The SIC codes included in the Use Matrix are references to the SIC Manual so that the text description of the listed use may be located. Some land uses included in the Matrix are not found in the SIC, and are, where necessary, defined by the Development Code.
- B. The Land Use Matrix establishes land uses that are Permitted, Ancillary, require a Conditional Use Permit, and Prohibited for each zoning district. Land and Structures within each zoning district must be devoted to uses in accordance with the Land Use Matrix. The uses contained in the Land Use Matrix and SIC Manual may be requested for inclusion in a PD district.
 1. *Allowed Uses.* Land and Structures may only be used for the listed uses specified in that district, as indicated with a "P", "A", or "C".
 - a. "P" indicates a use that is Permitted by right.
 - b. "A" indicates a use that is permitted under the requirements specified in the zoning regulations for ancillary uses.

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- c. "C" indicates a use that may be permitted and requires a Conditional Use Permit prior establishment of the use on the property.
 - 2. *Prohibited Uses*. Land and Structures may not be devoted to a use that is shown as Prohibited in the Land Use Matrix.
- C. The Residential Land Use Matrix and Commercial Land Use Matrix are located in this Article.

Secs. 2-57—2-69. Reserved

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[Sec. 2-70. Statements of Intent.](#)

[Sec. 2-71. Permitted Uses.](#)

[Sec. 2-72. Residential District Regulations.](#)

[Secs. 2-73—2-89. Reserved.](#)

Sec. 2-70. Statements of Intent.

- A. *Residential Estate District (R-1E)*. The Residential Estate District provides for the development of Single-Family Detached Dwellings on large Lots and for other uses that are compatible and complimentary to large Lot and low density residential development. The purpose of this district is to provide regulations to maintain and protect the City's single-family residences and neighborhoods in an area with larger lot sizes.
- B. *Restricted Single-Family Residential District (R-1R)*. The Restricted Single-Family Residential District provides for the development of Single-Family Detached Dwellings on intermediate sized Lots with increased Setbacks to provide more Open Space for the privacy and enjoyment of residents. The purpose of this district is to provide regulations to maintain and protect the City's single-family residences and neighborhoods in areas with intermediate lot sizes.
- C. *Standard Single-Family Residential District (R-1)*. The Standard Single-Family Residential District provides for the development of standard low-density, Single-Family Detached Dwellings in areas where residential development is appropriate given the surrounding land uses and neighborhood. The purpose of this district is to provide regulations to maintain and protect the City's single-family residences and neighborhoods.
- D. *Hill Area Residential District (HR-1)*. The Hill Area Residential District provides for the development of low-density Single-Family, Detached Dwellings in character with the existing older structures.
- E. *Zero Lot Line Single-Family Residential District (R-1Z)*. The Zero Lot Line Single-Family Residential District provides for the development of Single-Family Detached Dwellings in areas where reduced area and Setback requirements may be accommodated. The district requires homes to be located on one Side Lot Line to consolidate Yard space and enhance privacy in exchange for an increase in Lot Coverage.
- F. *Two-Family Residential District (R-2)*. The Two-Family Residential District provides for the development of conventional attached Dwellings, commonly known as duplexes. The district is designed with moderately sized Lots and serves as an intermediate classification allowing an orderly transition from low-density single-family neighborhoods to higher density multi-family developments.
- G. *Townhouse Residential District (R-3)*. The Townhouse Residential District provides for development of well-designed low density townhouse complexes with an emphasis on Open Space and access to light and air. Low-density townhouses will be low-rise developments with commonly maintained Landscaped Open Space.
- H. *Multi-Family Residential District (R-4)*. The Multi-Family Residential District allows development of quality apartments in a medium density setting, while ensuring that livability, property values, Open Space, high levels of design quality and landscaping, safety and the general welfare will be sustained.

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Sec. 2-71. Permitted Uses.

The Residential District Land Use Matrix is shown on the following pages:

Table 2-71.1: Permitted Uses in Residential Zoning Districts											
"P" = Permitted or allowed use			"C" = Conditional Use Permit required				"A" = Ancillary use			Blank Box = Prohibited use	
SIC GROUP	SIC NO.	DESCRIPTION	R-1E	R-1R	R-1	R-1Z	R-2	R-3	R-4	HR-1	NOTES
AGRICULTURE, FORESTRY, AND FISHING											
1		AGRICULTURAL PRODUCTION-CROPS									
	0110-0190		P	P	P	P	P	P	P	P	
2		AGRICULTURAL PRODUCTION-LIVESTOCK									
	0219	General Livestock, Except Dairy & Poultry	P	P	P	P	P	P	P	P	
8		FORESTRY SERVICES									
	0811-0851		P	P	P	P	P	P	P	P	
49		ELECTRIC, GAS, AND SANITARY SERVICES									
	4911	Electric Services	C	C	C	C	C	C	C	C	
SERVICES											
70		HOTELS AND OTHER LODGING PLACES									
	7021	Rooming and Boarding Houses					C	C	C		

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Table 2-71.1: Permitted Uses in Residential Zoning Districts

"P" = Permitted or allowed use "C" = Conditional Use Permit required "A" = Ancillary use Blank Box = Prohibited use

SIC GROUP	SIC NO.	DESCRIPTION	R-1E	R-1R	R-1	R-1Z	R-2	R-3	R-4	HR-1	NOTES
	7041	Membership-Basis Organization Hotels					C	C	C		
79		AMUSEMENT & RECREATION SERVICES									
	7922-7929	Producers, Orchestras, Entertainers								C	
	7992	Public Golf Courses	C	C	C	C	C	C	C		
	7997	Memberships Sports and Recreation Clubs	C	C	C	C	C	C	C	C	
82		EDUCATIONAL SERVICES									
	8211	Elementary and Secondary Schools	C	C	C	C	C	C	C	C	
	8231	Libraries	C	C	C	C	C	C	C	C	
83		SOCIAL SERVICES									
	8351	Child Day Care Services	C	C	C	C	C	C	C	C	See State law for additional regulations
		Child Care Home	P	P	P	P	P	P	P	P	See definition in Chapter 10
	8361	Residential Care						C	C		Group Homes permitted in all districts per State law
86		MEMBERSHIP ORGANIZATIONS									

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Table 2-71.1: Permitted Uses in Residential Zoning Districts											
"P" = Permitted or allowed use			"C" = Conditional Use Permit required				"A" = Ancillary use			Blank Box = Prohibited use	
SIC GROUP	SIC NO.	DESCRIPTION	R-1E	R-1R	R-1	R-1Z	R-2	R-3	R-4	HR-1	NOTES
	8641	Civic and Social Organizations	C	C	C	C	C	C	C	C	
	8651	Political Organizations									
	8661	Religious Organizations	C	C	C	C	C	C	C	C	
88		PRIVATE HOUSEHOLDS									
	8811	Private Household Services	P	P	P	P	P	P	P	P	
92		JUSTICE, PUBLIC ORDER, AND SAFETY									
	9221	Police Protection	C	C	C	C	C	C	C	C	
	9224	Fire Protection	C	C	C	C	C	C	C	C	
NONCLASSIFIABLE ESTABLISHMENTS											
99		NONCLASSIFIABLE ESTABLISHMENTS									
		Dwellings - Single-Family	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹		P ¹	¹ For Home Occupations see Chapter 2, Article IV: Supplemental Regulations
		Dwellings - Two-Family					P	P	P		
		Dwellings - Single Family Attached (Town Homes)						P	P		
		Dwellings - Multiple-Family							P		
		Heliport/ Helipad	C								

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Table 2-71.1: Permitted Uses in Residential Zoning Districts

"P" = Permitted or allowed use "C" = Conditional Use Permit required "A" = Ancillary use Blank Box = Prohibited use											
SIC GROUP	SIC NO.	DESCRIPTION	R-1E	R-1R	R-1	R-1Z	R-2	R-3	R-4	HR-1	NOTES
		Parks/Recreational Facilities, Public or Private	P	P	P	P	P	P	P	P	
		Residential Sales Offices (Temporary)	P	P	P	P	P	P	P	P	

(Ord. No. 1156, § 1, 12-15-98; Ord. No. 1186, § 1, 10-5-99; Ord. No. 1201, § 4, 9-28-99; Ord. No. 1238, § 1, 4-18-00; Ord. No. 1273, § 1, 11-21-00; Ord. No. 1282, § 1, 1-2-01; Ord. No. 1309, § 1, 7-3-01; Ord. No. 1361, § 1, 8-20-02; Ord. No. 1401, § 2, 7-15-03; Ord. No. 1410, § 1, 9-2-03; Ord. No. 1606, § 1, 2-20-07; Ord. No. 1645, § 1, 10-2-07; Ord. No. 1689, § 1, 7-1-08; Ord. No. 1773, §§ 1(1)—(3)(Exh. A), 2-16-10); Ord. No. 1908, § 1, 6-18-13

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Sec. 2-72. Residential District Regulations.

The following bulk regulations apply (see Figure 2-72.A):

Table 2-72.1: Bulk Regulations for Residential Zoning Districts									
REGULATION		ZONING DISTRICT							
		R-1E	R-1R	R-1	HR-1	R-1Z	R-2	R-3	R-4
Minimum Lot Area		1.5 acres	9,500 sq. ft.	6,600 sq. ft.	6,600 sq. ft.	5,000 sq. ft.	9,500 sq. ft.	3,500 sq. ft.	2,178 sq. ft. per dwelling unit
Minimum Lot Width		125 ft.	75 ft. (a)	60 ft. (a)	60 ft. (a)	50 ft. (a)	80 ft.	None	None
Minimum Lot Depth		None	125 ft.	110 ft.	110 ft.	100 ft.	115 ft.	None	None
Minimum Front Yard (Setback)		50 ft.	30 ft. (b)	25 ft. (b)	25 ft. (b)	20 ft.	25 ft.	25 ft.	25 ft.
Minimum Side Yard	Residential Use (See Figures 2-72.A & 2-72.B)	(c)	5 ft.	(d)	10 ft.	(e)	(d)	(f)(g)	15 ft.
	Nonresidential Use	30 ft.	25 ft.	25 ft.	25 ft. (m)	25 ft.	25 ft.		20 ft.
Minimum Street Side Yard (Setback)		30 ft.	20 ft.	20 ft.	15 ft. (h)	20 ft.	15 ft.	15 ft.	15 ft.
Minimum Rear Yard (Setback)		50 ft.	30 ft.	15 ft. (i)	15 ft. (i)(m)	10 ft. (i)	25 ft.	20 ft.	20 ft.
Maximum Lot Coverage		40%	40%	40%	40%	50%	40%	40%	50%
Maximum Height of Principal Structures		(j)	(j)	(j)	(k)	(j)	(j)	(j)	(j)
Maximum F.A.R.		0.71	0.71	0.71	0.71	0.71	None	None	None
Additional Regulations					(l)	(n)		(o) (p)	(o) (q) (r)
<p><i>See also Article III: Height and Area Regulations and Article IV: Supplemental Regulations for additional regulations.</i></p> <p><i>Note: Parking setback requirements are detailed in Chapter 2, Article V.</i></p>									
<p>REFERENCES</p> <p>a. For Corner Lots, Minimum Lot Width is an additional 10 feet</p> <p>b. For Cul-de-sac Lots, the Front Yard Setback is reduced by 5 feet</p> <p>c. Twenty feet or 10% of the lot width, whichever is greater</p> <p>d. Total side yards must equal 10% of Lot Width, but not less than 5 feet on each side.</p> <p>e. Zero feet on one side. 10 feet on second side. Zero-foot side must abut required 10-foot Yard on adjacent lot. A 3-foot maintenance easement adjacent to the lot line and within the 10-foot side yard shall be delineated on the plat, and</p>									

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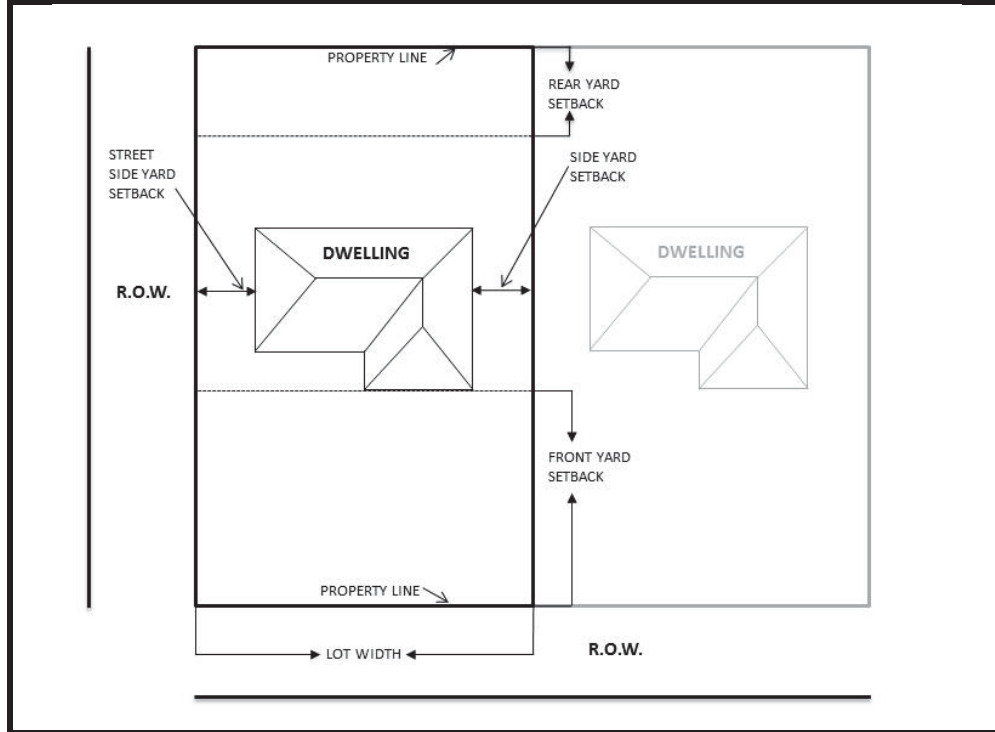
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Table 2-72.1: Bulk Regulations for Residential Zoning Districts

REGULATION	ZONING DISTRICT							
	R-1E	R-1R	R-1	HR-1	R-1Z	R-2	R-3	R-4
there shall be a right to access the 0 building line side from the maintenance easement for maintenance purposes (see Figure 2-72.C).								
f. Townhouse attached on 2 sides – 0 feet. Townhouse attached on 1 side and other side yard open, abutting Residential Uses – 10 feet.								
g. Townhouse attached on 2 sides – 0 feet. Townhouse attached on 1 side and other side yard open, abutting Nonresidential Uses – 25 feet.								
h. Any Private Garage located within a Street Side Yard that is oriented so that the main driveway door faces the Street must not be located closer than 20 feet to the Street Side Lot Line.								
i. For Rear Yards abutting an Arterial Street, the minimum Rear Yard is 25 feet								
j. Two and one half stories, but not more than 35 feet from finished grade								
k. Two and one half stories, but not more than 27 feet from finished grade								
l. HR-1: Maximum Lot Width – 120 feet								
m. HR-1: Private Garages must not exceed a maximum height of 2 stories and be no more than 27 feet in height as measured from finished grade to the highest point of the Structure; and must be located at least 1 ½ feet from any Rear or Side Lot Line.								
n. Required siting – Walls along the 0 Side Yard must be a maximum of 6 inches from the property line to provide building construction tolerance. At least 51% of the length of the 0 side elevation at the ground floor must be located at the property line or a maximum of 6 inches from the property line. Any offset areas of the 0 side elevation must be offset from the property line by a minimum of 5 feet (see Figure 2-72.C).								
o. Minimum distance between Principal Buildings containing individual Dwelling Units – 20 feet; Minimum Open Space Around Each Building – 15 feet								
p. Allows development up to 12.45 dwelling units per acre								
q. Allows development up to 20 dwelling units per acre								
r. Concentration Restriction – Any Multi-family Residential District created after September 23, 1997 shall not contain more than 200 Dwelling Units.								

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Figure 2-72.A: Residential Yard (Setback) Diagram



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Figure 2-72.B: Residential Yard (Setback) Diagram – Side Yard Setback at Reserve

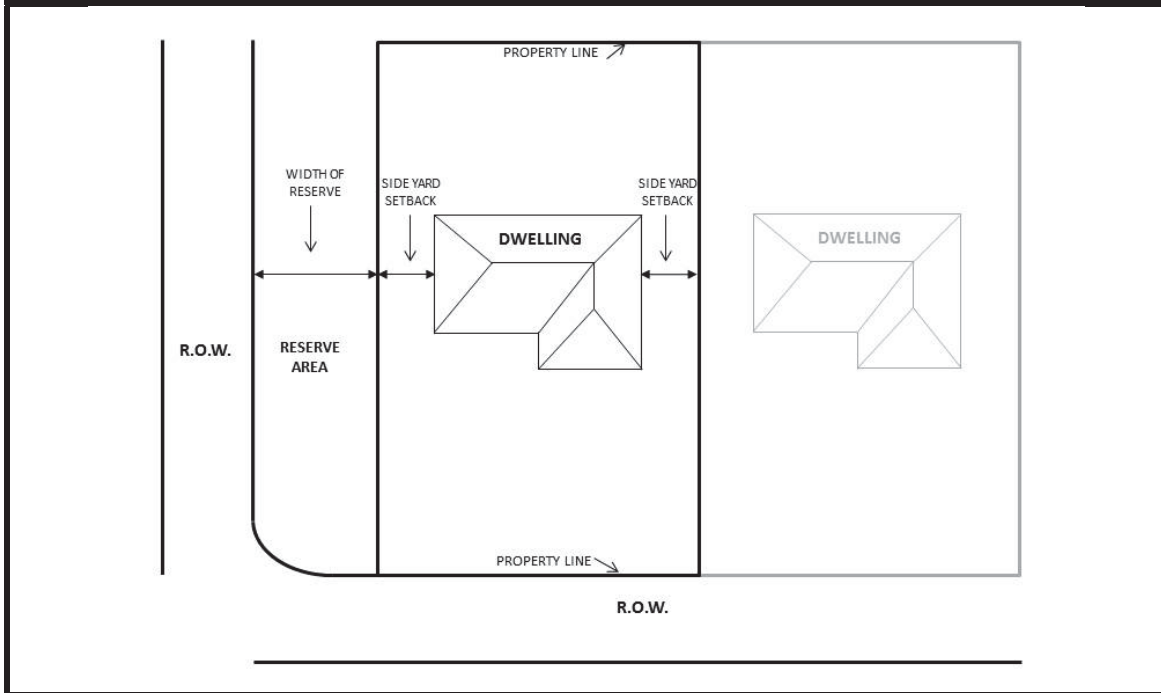
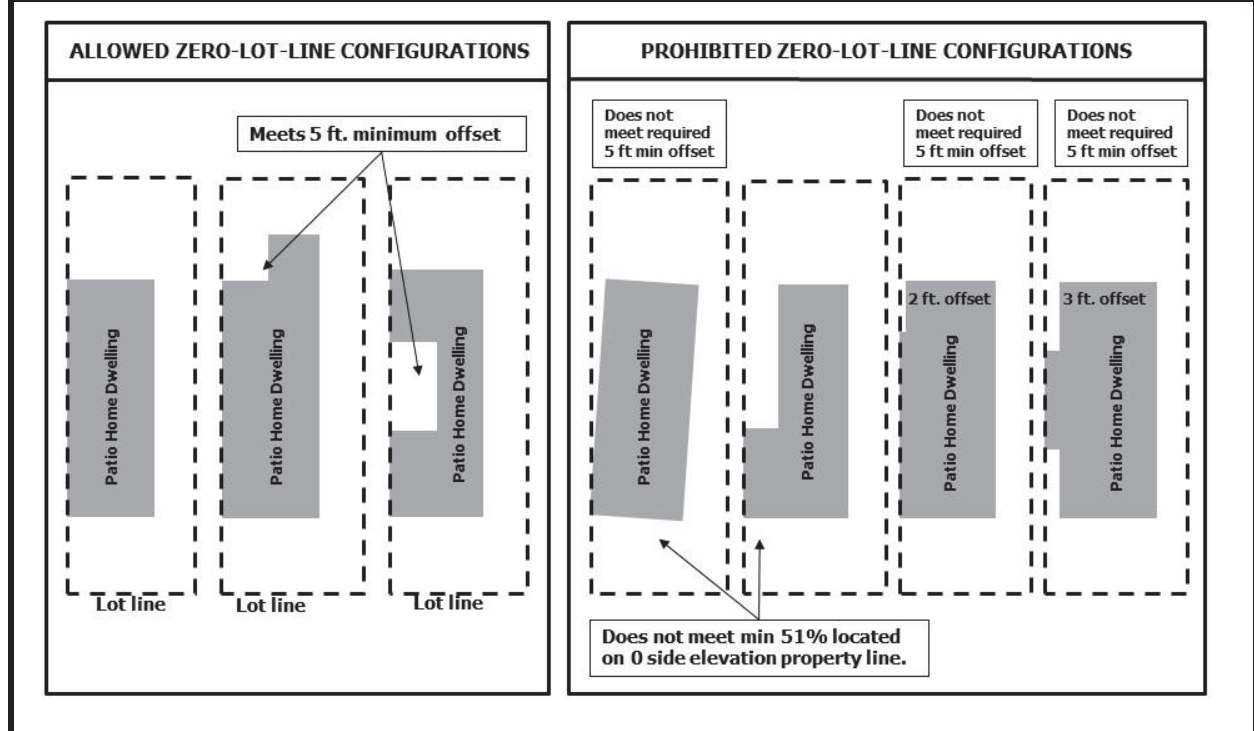


Figure 2-72.C: Zero-Lot-Line Configurations (Allowed and Prohibited)



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Secs. 2-73—2-89. Reserved.

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[Sec. 2-90. Statements of Intent.](#)

[Sec. 2-91. Permitted Uses.](#)

[Sec. 2-92. Nonresidential District Regulations.](#)

[Secs. 2-93. Additional Nonresidential Regulations.](#)

[Sec. 2-94—2-109. Reserved.](#)

Sec. 2-90. Statements of Intent.

- A. *Business Office District (B-O)*. The Business Office district allows development of office uses and certain limited service and retail uses which are compatible with offices.
- B. *Neighborhood Business District (B-1)*. The Neighborhood Business district allows for the development of small scale, limited impact retail business uses which cater to the everyday needs of the nearby residents, and which are compatible with residential neighborhoods.
- C. *General Business District (B-2)*. The General Business district allows the development of a variety of general commercial uses including wholesale sales and services with restrictions. The uses in the B-2 district are dependent on high traffic volumes and locations along or adjacent to Arterial Streets and, thus, the B-2 district is appropriate for the development of most shopping centers.
- D. *Restricted Industrial District (M-1)*. The Restricted Industrial district allows for development of light industrial uses and some compatible office and service uses in an industrial park setting.
- E. *General Industrial District (M-2)*. The General Industrial district allows a wide variety of light and heavy industrial uses including warehousing, manufacture, and assembly.

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Sec. 2-91. Permitted Uses.

The Nonresidential District Land Use Matrix is shown on the following pages:

Note: See Part 4 for permitted uses in the Mixed Use Conservation (MUC) District and Part 5 for permitted uses in the Brazos River Park and Conservation Zoning (BR) District.

Table 2-91.1: Permitted Uses in Nonresidential Zoning Districts								
"P" = Permitted or allowed use			"C" = Conditional Use Permit required			"A" = Ancillary use		Blank Box = Prohibited
SIC GROUP	SIC NO.	DESCRIPTION	B-O	B-1	B-2	M-1	M-2	NOTES
AGRICULTURE, FORESTRY, AND FISHING								
1		AGRICULTURAL PRODUCTION-CROPS						
	0110-0190		P	P	P	P	P	
2		AGRICULTURAL PRODUCTION-LIVESTOCK						
	0219	General Livestock, Except Dairy & Poultry	C	P	P	P	P	
7		AGRICULTURAL SERVICES						
	0742	Veterinary Services, Small animals only		P ¹	P	P		¹ Boarding overnight for surgery only
	0782	Lawn & Garden Services				P		
	0783	Ornamental Shrub & Tree Services				P		
8		FORESTRY SERVICES						
	0811-0851		C	P	P	P	P	

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"P" = Permitted or allowed use			"C" = Conditional Use Permit required			"A" = Ancillary use		Blank Box = Prohibited
SIC GROUP	SIC NO.	DESCRIPTION	B-O	B-1	B-2	M-1	M-2	NOTES
9		FISHING, HUNTING, AND TRAPPING						
	0912-0971				P	P	P	
CONSTRUCTION								
15		GENERAL BUILDING CONTRACTORS						
	1521-1542					P	P	
16		HEAVY CONSTRUCTION, EX. BUILDING						
	1611-1629						P	
17		SPECIAL TRADE CONTRACTORS						
	1711-1799					P	P	
MANUFACTURING								
20		FOOD AND KINDRED PRODUCTS						
	2011-2015	Meat Products					C	
	2021-2026	Dairy Products					P	

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Table 2-91.1: Permitted Uses in Nonresidential Zoning Districts								
"P" = Permitted or allowed use			"C" = Conditional Use Permit required			"A" = Ancillary use		Blank Box = Prohibited
SIC GROUP	SIC NO.	DESCRIPTION	B-O	B-1	B-2	M-1	M-2	NOTES
	2032-2038	Canned, Frozen & Preserved Products				C	P	
	2041-2048	Grain Mill Products					P	
	2051-2053	Bakery Products				C	P	
	2061-2068	Sugar and Confectionery Products					P	
	2074-2079	Fats and Oils					C	
	2082-2087	Beverages					P	
	2091-2099	Miscellaneous Food Preparations and Kindred Products					P	
22		TEXTILE MILL PRODUCTS						
	2211-2299	Broadwoven Fabric Mills, Cotton				C	P	
23		APPAREL AND OTHER TEXTILE PRODUCTS						
	2311-2399					P	P	
24		LUMBER AND WOOD PRODUCTS						
	2431-2439	Millwork					P	

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Table 2-91.1: Permitted Uses in Nonresidential Zoning Districts								
"P" = Permitted or allowed use			"C" = Conditional Use Permit required			"A" = Ancillary use		Blank Box = Prohibited
SIC GROUP	SIC NO.	DESCRIPTION	B-O	B-1	B-2	M-1	M-2	NOTES
	2441-2449	Wood Containers					P	
	2451-2452	Wood Buildings					P	
25		FURNITURE AND FIXTURES						
	2511-2599						P	
26		PAPER AND ALLIED PRODUCTS						
	2652-2657	Paperboard Containers and Boxes				P	P	
	2671-2679	Converted Paper Products					P	
27		PRINTING AND PUBLISHING						
	2711	Newspapers				P	P	
	2721	Periodicals				P	P	
	2731-2732	Books				P	P	
	2741	Miscellaneous Publishing				P	P	
	2752-2759	Commercial Printing	P/C ¹	P/C ²	P	P	P	¹ C required if over 10,000 sq. ft. ² C required if over 5,000 sq. ft.
	2761	Manifold Business Forms				P	P	
	2771	Greeting Cards				P	P	

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Table 2-91.1: Permitted Uses in Nonresidential Zoning Districts								
"P" = Permitted or allowed use			"C" = Conditional Use Permit required			"A" = Ancillary use		Blank Box = Prohibited
SIC GROUP	SIC NO.	DESCRIPTION	B-O	B-1	B-2	M-1	M-2	NOTES
	2782-2789	Blank Books and Loose-Leaf Binders			P	P	P	
	2791-2796	Service Industries for Printing Trade			P	P	P	
28		CHEMICALS AND ALLIED PRODUCTS						
	2812-2899					C	C	
30		RUBBER AND MISC. PLASTICS PRODUCTS						
	3011-3089	Rubber and Miscellaneous Plastics					P	
31		LEATHER AND LEATHER PRODUCTS						
	3131	Boot and Shoe Cut Stock and Findings				P	P	
	3142-3149	Footwear, Except Rubber				P	P	
	3151	Leather Gloves and Mittens				P	P	
	3161	Luggage				P	P	
	3171-3172	Handbags and Personal Leather Goods				P	P	
	3199	Leather Goods, NEC				P	P	

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"P" = Permitted or allowed use			"C" = Conditional Use Permit required			"A" = Ancillary use		Blank Box = Prohibited
SIC GROUP	SIC NO.	DESCRIPTION	B-O	B-1	B-2	M-1	M-2	NOTES
32		STONE, CLAY, AND GLASS PRODUCTS						
	3211	Flat Glass				C	P	
	3221-- 3231	Glass and Glassware, Pressed Blown and Glass, Products Made of Purchased Glass				C	P	
	3261- 3269	Pottery and Related Products				C	P	
34		FABRICATED METAL PRODUCTS, EXCEPT MACHINERY AND TRANSPORTATION EQUIPMENT						
	3421- 3429	Cutlery, Hand Tools and General Hardware				C	P	
	3431- 3433	Heating Equipment, Except for Electric and Warm Air; and Plumbing Fixtures				C	P	
	3441- 3449	Fabricated Structural Metal Products					P	
	3451- 3452	Screw Machine Products, Bolts, Nuts, Screws, Rivets and Washers				C	P	
	3462-- 3466	Metal Forging and Stamping, except Metal Stampings, NEC					P	

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"P" = Permitted or allowed use			"C" = Conditional Use Permit required			"A" = Ancillary use		Blank Box = Prohibited
SIC GROUP	SIC NO.	DESCRIPTION	B-O	B-1	B-2	M-1	M-2	NOTES
	3469	Metal Stampings, NEC				P/C ¹	P	¹ C required if closer than 500 ft. to residential district or use.
	3471-3479	Coating, Engraving and Allied Services					P	
	3491-3499	Miscellaneous Fabricated Metal Products					P	
35								
	3541-3549	Metalworking Machinery and Equipment					P	
	3552-3559	Special Industry Machinery, except Metalworking Machinery					P	
	3561-3569	General Equipment Machinery and Equipment					P	
	3571-3579	Computer and Office Equipment				P	P	
	3581-3589	Refrigeration and Service Industry Machinery					P	
	3592-3599	Miscellaneous Industrial and Commercial Machinery and Equipment					P	
36								
	3612-3629	Electronic Transmission and Distribution Equipment, Electrical Industrial Apparatus				C	P	

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SIC GROUP	SIC NO.	DESCRIPTION	B-O	B-1	B-2	M-1	M-2	NOTES
	3631-3648	Household Appliances					P	
	3651-3699	Household Audio and Video Equipment and Audio Recordings, Communications Equipment, Electronic Components and Accessories and Miscellaneous Electrical Machinery, Equipment and Supplies, Measuring, Analyzing, and Controlling				P	P	
38								
	3812-3873	Instruments; Photographic, Medical and Optical Good; Watches and Clocks				P	P	
39								
	3911-3999	Miscellaneous Manufacturing Industries				C	P	
40		RAILROAD TRANSPORTATION						
	4011-4013						P	
41		LOCAL & INTERURBAN PASSENGER TRANSIT						
	4111-4173		C		P	P	P	

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SIC GROUP	SIC NO.	DESCRIPTION	B-O	B-1	B-2	M-1	M-2	NOTES
42		TRUCKING AND WAREHOUSING						
	4212-4215	Trucking & Courier Services, Ex. Air				P	P	
	4221-4226	Public Warehousing and Storage			C	C	P	
	4231	Trucking Terminal Facilities					P	
43		U.S. POSTAL SERVICE						
	4311	U.S. Postal Service	P	P	P	P	P	
44		WATER TRANSPORTATION						
	4493	Marinas			P	P	P	
45		TRANSPORTATION BY AIR						
	4512-4581					P	P	
46		PIPELINES, EX. NATURAL GAS						
	4612-4619						P	
47		TRANSPORTATION SERVICES						
	4724	Travel Agencies	P	P	P	P		
	4729	Arrangement of Passenger Transportation NEC	C			P		

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SIC GROUP	SIC NO.	DESCRIPTION	B-O	B-1	B-2	M-1	M-2	NOTES
	4731	Freight and Cargo Transportation				P	P	
	4741	Rental of Railroad Cars					P	
	4783-4789	Miscellaneous Services					P	
48		COMMUNICATIONS						No towers permitted in B-O and B-1
	4812-4813	Telephone Communications	A		P/C ¹	P/C ¹	P/C ¹	¹ C required for towers
	4822	Telegraph and Other Message Communications	C		P/C ¹	P/C ¹	P/C ¹	¹ C required for towers
	4832-4833	Radio and Television Broadcasting	C		P/C ¹	P/C ¹	P/C ¹	¹ C required for towers
	4841	Cable and Other Pay Television Services (except equipment repair or bucket trucks in lot)	C	P/C ¹	P/C ²	P/C ²	P/C ²	¹ C required over 6,000 sq. ft. ² C required for towers
	4899	Miscellaneous Communications Services (except equipment repair bucket trucks in lot)		P/C ¹	P/C ²	P/C ²	P/C ²	¹ C required over 6,000 sq. ft. ² C required for towers
49		ELECTRIC, GAS, AND SANITARY SERVICES						
	4911	Electric Services	C	C	C	C	C	

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SIC GROUP	SIC NO.	DESCRIPTION	B-O	B-1	B-2	M-1	M-2	NOTES
WHOLESALE TRADE								
50		WHOLESALE TRADE-DURABLE GOODS						
	5012	Automobiles and Other Motor Vehicles					P	
	5013	Motor Vehicle Supplies and New Parts				P	P	
	5014-5015	Tires and Tubes, Used Motor Vehicle Parts					P	
	5021-5023	Furniture and Homefurnishings				P	P	
	5031-5039	Lumber and Construction Materials				P	P	
	5043-5049	Professional & Commercial Equipment				P	P	
	5051-5052	Metals and Minerals, Ex. Petroleum					P	
	5063-5065	Electrical Goods				P	P	
	5072-5078	Hardware, Plumbing, & Heating Equipment				P	P	
	5082-5084	Construction, Farm and Industrial Machinery and Equipment					P	
	5085	Industrial Supplies				P	P	

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SIC GROUP	SIC NO.	DESCRIPTION	B-O	B-1	B-2	M-1	M-2	NOTES
	5087-5088	Service Establishment, Transportation Equipment and Supplies					P	
	5091-5092	Sports and Recreational, Toys and Hobby Goods and Supplies				P	P	
	5094	Jewelry, Watches, Precious Stones and Precious Metals				P	P	
	5099	Durable Goods Not Elsewhere Classified				P	P	
51		WHOLESALE TRADE-NONDURABLE GOODS						
	5111-5113	Paper and Paper Products				P	P	
	5122	Drugs, Proprietaries, and Sundries				P	P	
	5131-5139	Apparel, Piece Goods, and Notions				P	P	
	5141-5149	Groceries and Related Products				P	P	
	5153-5159	Farm Product-Raw Materials					C	
	5162-5169	Chemicals and Allied Products					P	
	5171-5172	Petroleum and Petroleum Products					P	

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SIC GROUP	SIC NO.	DESCRIPTION	B-O	B-1	B-2	M-1	M-2	NOTES
	5181-5182	Beer, Wine, and Distilled Beverages				P	P	
	5191	Farm Supplies				P	P	
	5192	Books, Periodicals, and Newspapers				P	P	
	5193	Flowers and Nursery Stock				P	P	
	5194	Tobacco Products					P	
	5198	Paints, Varnishes and Supplies					P	
	5199	Not Elsewhere Classified				P	P	
RETAIL TRADE								
52		BUILDING MATERIALS & GARDEN SUPPLIES						
	5211	Lumber and Other Building Materials			P	P	P	
	5231	Paint, Glass, and Wallpaper Stores		P/C ¹	P	P		¹ C required over 10,000 sq. ft.
	5251	Hardware Stores		P/C ¹	P	P		¹ C required over 20,000 sq. ft.
	5261	Retail Nurseries and Garden Stores			C	P	P	
	5271	Mobile Home Dealers				P	P	

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53		GENERAL MERCHANDISE STORES						
	5311	Department Stores		P/C ¹	P			¹ C required over 20,000 sq. ft.
	5331	Variety Stores	A	P/C ¹	P			¹ C required over 20,000 sq. ft.
	5399	Misc. General Merchandise Stores	A	P/C ¹	P			¹ C required over 20,000 sq. ft.
54		FOOD STORES						
	5411	Grocery/ Convenience Stores		P/C ¹	P/C ¹	P		¹ C required for gasoline sales
	5421	Meat and Fish Markets		P	P			
	5431	Fruit and Vegetable Markets		P	P			
	5441	Candy, Nut and Confectionery Stores	A	P	P			
	5451	Dairy Products Stores	A	P	P			
	5461	Retail Bakeries	A	P	P			
	5499	Miscellaneous Food Stores	A	P	P			
55		AUTOMOTIVE DEALERS & SERVICE STATIONS						
	5511	New and Used Car Dealers			C	C		
	5521	Used Car Dealers			C	C		
	5531	Auto and Home Supply Stores			P			

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SIC GROUP	SIC NO.	DESCRIPTION	B-O	B-1	B-2	M-1	M-2	NOTES
	5541	Gasoline Service Stations ¹			C	P		¹ See SIC 5411 when part of a Grocery/Convenience Store
	5551	Boat Dealers			C	P	P	
	5561	Recreational Vehicle Dealers			C	C	P	
	5571	Motorcycle Dealers			C			
	5599	Automotive Dealers, NEC			C			
56		APPAREL AND ACCESSORY STORES						
	5611-5699	Apparel and Accessory Stores	A	P	P			
57		FURNITURE AND HOME FURNISHINGS STORES						
	5712-5719	Furniture and Home furnishings Stores		P/C ¹	P			¹ C required over 15,000 sq. ft.
	5722	Household Appliance Stores		P	P			
	5731-5736	Radio, Television, & Computer Stores	A	P/C ¹	P			¹ C required over 15,000 sq. ft.

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SIC GROUP	SIC NO.	DESCRIPTION	B-O	B-1	B-2	M-1	M-2	NOTES
58		EATING AND DRINKING PLACES						
	5812	Eating Places	A ¹ /C ²	P/C ³	P/C ³	P/C ³	P	¹ By right if meets ancillary use description in Sec. 2-93 and does not include a drive-through ² C required for primary use ³ C if drive-through is within 150 ft. of residential lot or a restaurant with outdoor speakers within 150 ft. of residential lot
	5813	Drinking Places						May be permitted in Planned Development (PD) Districts – see ordinance
59		MISCELLANEOUS RETAIL						
	5912	Drug Stores and Proprietary Stores	A	P	P	P		
	5921	Liquor Stores		P	P	P		
	5932	Used Merchandise Stores, except Pawn Shops		P/C ¹	P			¹ C required over 5,000 sq. ft.
		Pawn Shops				P		As defined in Chapter 371 of the Texas Finance Code
	5941-5949	Miscellaneous Shopping Goods Stores	A	P	P	P		

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SIC GROUP	SIC NO.	DESCRIPTION	B-O	B-1	B-2	M-1	M-2	NOTES
	5961-5963	Nonstore Retailers			P	P		
	5983-5989	Fuel Dealers			P	P	P	
	5992	Florists	A	P	P			
	5993	Tobacco Stores and Stands	A		P			
	5994	News Dealers and Newsstands	A		P			
	5995	Optical Goods Stores	A	P	P			
	5999	Misc. Retail Stores, Not Elsewhere Classified	A	P ¹	P			¹ Except Fireworks, Gravestones, Hot tubs, Monuments, Pet Shops, Sales Barns, Tombstones, Whirlpool baths
FINANCE, INSURANCE AND REAL ESTATE								
60	6011-6099	DEPOSITORY INSTITUTIONS						
	6011-6019	Central Reserve Depositories	P		P	P		
	6021-6029	Commercial Banks	P/C ¹	P/C ¹	P/C ¹	P		¹ C required if outside communication device (including speakers) is within 150 ft. of residential use or zone.

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SIC GROUP	SIC NO.	DESCRIPTION	B-O	B-1	B-2	M-1	M-2	NOTES
	6035-6036	Savings Institutions	P/C ¹	P/C ¹	P/C ¹	P		¹ C required if outside communication device within 150 ft. of residential use or zone.
	6061-6062	Credit Unions	P/C ¹	P/C ¹	P/C ¹	P		¹ C required if outside communication device within 150 ft. of residential use or zone.
	6081-6082	Foreign Bank & Branches & Agencies	P		P	P		
	6091-6099	Functions Closely Related to Banking, except Check Cashing, Credit Access Businesses, and Motor Vehicle Title Loans	P		P	P		
		Check Cashing, Credit Access Businesses, and Motor Vehicle Title Loans				C		As defined in Chapter 393 of the Texas Finance Code
61	6111-6165	NONDEPOSITORY INSTITUTIONS						
	6111	Federal & Fed.-Sponsored Credit	P		P	P		
	6141	Personal Credit Institutions ¹	P		P	P		¹ See 6099 for credit access businesses and motor vehicle title loans.
	6153-6159	Business Credit Institutions	P		P	P		

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SIC GROUP	SIC NO.	DESCRIPTION	B-O	B-1	B-2	M-1	M-2	NOTES
	6162-6163	Mortgage Bankers and Brokers	P		P	P		
62		SECURITY AND COMMODITY BROKERS						
	6211-6289	Security & Commodity Brokers with no Outside Drive-Through in B-1	P	P	P	P		
63		INSURANCE CARRIERS						
	6311-6399		P		P	P		
64		INSURANCE AGENTS, BROKERS, & SERVICE						
	6411	Insurance Agents, Brokers, and Service	P	P	P	P		
65		REAL ESTATE						
	6512	Operators of Nonresidential Buildings	P	P	P	P		
	6513	Operators of Apartment Buildings (Off-Site Management Only)	P	P	P	P		
	6514	Operators of Dwellings Other than Apartment Buildings	P	P	P	P		
	6531	Real Estate Agents and Managers	P	P	P	P		
	6541	Title Abstract Offices	P	P	P	P		

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SIC GROUP	SIC NO.	DESCRIPTION	B-O	B-1	B-2	M-1	M-2	NOTES
	6552, 6553	Land Subdividers and Developers	P	P	P	P		
67		HOLDING AND OTHER INVESTMENT OFFICES						
	6712, 6719	Holding Offices	P		P	P		
	6722	Management Investment Offices, Open-End	P	P	P	P		
	6726, 6732, 6733, 6792, 6794, 6798, 6799	Investment Offices and Trusts	P		P	P		
SERVICES								
70		HOTELS AND OTHER LODGING PLACES						
		Full Service Hotels	P		P			
		Select Service Hotels	C		C			
		Limited Service Hotels			C			
	7021	Rooming and Boarding Houses			P			
	7032-7033	Camps and Recreational Vehicle Parks			C			

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SIC GROUP	SIC NO.	DESCRIPTION	B-O	B-1	B-2	M-1	M-2	NOTES
	7041	Membership-Basis Organization Hotels			P			
72		PERSONAL SERVICES						
	7211	Power Laundries, Family and Commercial			P			
	7212	Garment Pressing (Laundries and Drycleaners)	C	P ¹	P			¹ Pickup Station Only
	7213	Linen Supply				P	P	
	7215	Coin-Operated Laundries and Drycleaning		C	P			
	7216	Drycleaning Plants			C			
	7217	Carpet Cleaning				P		
	7219	Laundry and Garment Services, Not Elsewhere Classified	C	C	P			
	7221	Photographic Studies, Portrait	A	P	P			
	7231	Beauty Shops	A	P	P			
	7241	Barber Shops	A	P	P			
	7251	Shoe Repair and Shoeshine Parlors	A	P	P			
	7261	Funeral Service and Crematories	C		P			
	7291-7299	Miscellaneous Personal Services , except Tattoo Parlors, Tattoo Services	C	C	P			See 8099 for massage establishments

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SIC GROUP	SIC NO.	DESCRIPTION	B-O	B-1	B-2	M-1	M-2	NOTES
		Tattoo Parlors, Tattoo Services				C		As defined in Chapter 146 of the Texas Health and Safety Code
73		BUSINESS SERVICES						
	7311	Advertising Agencies	P		P	P		
	7312	Outdoor Advertising Services	C		P	P		
	7313	Radio, Television & Publishers' Representatives	P		P	P		
	7319	Advertising, NEC			P	P	P	
	7322-7323	Credit Reporting and Collection	P		P	P		
	7331-7338	Mailing, Reproduction, Stenographic	P/C ¹	P/C ²	P	P	P	¹ C required if more than 10,000 sq. ft. ² C required if more than 5,000 sq. ft.
	7342	Disinfecting and Pest Control Services	C		P	P		
	7349	Building Cleaning and Maintenance Services, NEC	C	P	P	P		
	7352-7359	Miscellaneous Equipment Rental & Leasing			P	C	P	
	7361-7363	Personnel Supply Services	C		P	P		
	7371	Computer Programming Services	P	P	P	P	P	

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SIC GROUP	SIC NO.	DESCRIPTION	B-O	B-1	B-2	M-1	M-2	NOTES
	7372-7377	Prepackaged Software; Computer Integrated Systems Design; Computer Processing and Data Preparation and Processing; Information Retrieval Services; Computer Facilities Management Services; Computer Rental and Leasing	P	P	P	P	P	
	7378	Computer Maintenance and Repair	P	P	P	P	P	
	7379	Computer Related Services, Not Elsewhere Classified	P	P	P	P	P	
	7381-7389	Miscellaneous Business Services	C		P	C		
75		AUTO REPAIR, SERVICES, AND PARKING						
	7513	Truck Rental and Leasing				P	P	
	7514	Passenger Car Rental	C		C	P	P	
	7515	Passenger Car Leasing	C		C	P	P	
	7519	Utility Trailer and Recreational Vehicle Leasing			C	P	P	
	7521	Automobile Parking	P /C ¹		C	P		¹ C required for tow-in parking lots
	7532-7539	Automotive Repair Shops			C	P	P	

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SIC GROUP	SIC NO.	DESCRIPTION	B-O	B-1	B-2	M-1	M-2	NOTES
	7542-7549	Automotive Services, Except Repair			C	P	P	
76		MISCELLANEOUS REPAIR SERVICES						
	7622	Radio and Television Repair Shops		P	P	P	P	
	7623	Refrigeration and Air-Conditioning Service and Repair Shops			P	P	P	
	7629	Electrical and Electronic Repair Shops, Not Elsewhere Classified		P	P	P	P	
	7631	Watch, Clock, and Jewelry Repair	C	P	P			
	7641	Reupholstery and Furniture Repair			P	P	P	
	7692, 7694	Miscellaneous Repair Shops			P	P	P	

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SIC GROUP	SIC NO.	DESCRIPTION	B-O	B-1	B-2	M-1	M-2	NOTES
	7699	Miscellaneous Repair Shops		P ¹	P	P	P	¹ See note below
		¹ Specified Miscellaneous Repair Shops are allowed in B-1 under the SIC code 7699, as follows: <ul style="list-style-type: none"> • Antique Repair and Restoration (except furniture and automotive) • Bicycle Repair Shops • Binocular and Other Optical Goods Repair • Camera Repair Shops • Dental Instrument Repair Shops • Drafting Instrument Repair Shops • Any Duplicating Shops • Leather Goods and Repair Shops • Locksmith Shops • Luggage Repair Shops • Measuring and Controlling Instruments Repair Shops • Medical Instrument Repair (except electric) • Microscope Repair • Mirror Repair Shops • Musical Instrument Repair Shops 						<ul style="list-style-type: none"> • Nautical and Navigational Instrument Repair (except electric) • Organ Tuning and Repair • Piano Tuning and Repair • Picture Framing to Individual Order (not connected with retail art stores) • Picture Framing (custom) • Pocketbook Repair Shops • Re-needling Work • Repair of Optical Instruments • Repair of Photographic Equipment • Repair of Speedometers • Sewing Machine Repair Shops • Surveying Instrument Repair • Tuning of Pianos and Organs • Typewriter Repair (including electric) • Venetian Blind Repair Shops • Window Shade Repair Shops
78		MOTION PICTURES						
	7812, 7819	Motion Picture Production & Services				P	P	
	7822, 7829	Motion Picture Distribution & Services				P	P	
	7832-7833	Motion Picture Theaters			P			
	7841	Video Rental		P	P			

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Table 2-91.1: Permitted Uses in Nonresidential Zoning Districts								
"P" = Permitted or allowed use			"C" = Conditional Use Permit required			"A" = Ancillary use		Blank Box = Prohibited
SIC GROUP	SIC NO.	DESCRIPTION	B-O	B-1	B-2	M-1	M-2	NOTES
79		AMUSEMENT & RECREATION SERVICES						
	7911	Dance Studios, Schools, and Halls, Except Dance Halls		P/C ¹	P			¹ C required over 10,000 sq. ft.
	7922, 7929	Producers, Orchestras, Entertainers	P		P			
	7933	Bowling Centers			P			
	7941, 7948	Commercial Sports			C	C	C	
	7991	Physical Fitness Facilities	A	P/C ¹	P			¹ C required over 10,000 sq. ft.
	7992	Public Golf Courses	P	P	P	P	P	
	7996	Amusement Parks			P			
	7997	Memberships Sports and Recreation Clubs	P	P	P	P	P	
	7999	Amusement and Recreation Services	C	P ¹ /C ²	P			¹ Specified amusement and recreation services are allowed in B-1 under the SIC code 7999, as follows: <ul style="list-style-type: none"> • Gymnastics Studios • Martial Arts Instruction, such as Judo and Karate • Yoga Instruction ² C required over 10,000 sq. ft.

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SIC GROUP	SIC NO.	DESCRIPTION	B-O	B-1	B-2	M-1	M-2	NOTES
80		HEALTH SERVICES						
	8011	Offices & Clinics of Medical Doctors	P	P	P			
	8021	Offices & Clinics of Dentists	P	P	P			
	8031	Offices of Osteopathic Physicians	P	P	P			
	8041-8049	Offices of Other Health Practitioners	P	P	P			
	8051-8059	Nursing and Personal Care Facilities	C		P			
	8062-8069	Hospitals	C		P			
	8071-8072	Medical and Dental Laboratories	P		P	P	P	
	8082	Home Health Care Services	P	P/C ¹	P	P		¹ C required over 5,000 sq. ft.
	8092-8099	Health and Allied Services, NEC	P		P			Includes massage establishments (as defined in Chapter 455 of the Texas Occupations Code).
81		LEGAL SERVICES						
	8111	Legal Services	P	P	P	P		
82		EDUCATIONAL SERVICES						
	8211	Elementary and Secondary Schools	C	C	C			

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SIC GROUP	SIC NO.	DESCRIPTION	B-O	B-1	B-2	M-1	M-2	NOTES
	8221-8222	Colleges and Universities	P		P			
	8231	Libraries	P	P	P			
	8241-8249	Vocational Schools	P		P	P		
	8299	Schools and Educational Services, NEC	P	P	P			
83		SOCIAL SERVICES						
	8322	Individual and Family Services	P		P			
	8331	Job Training and Related Services	C		P	P		
	8351	Child Day Care Services	A ¹ /C ²	P	P	A		¹ By right if meets Ancillary use description in Sec. 2-93 ² Required for primary use
		Child Care Home						See definition in Chapter 10
	8361	Residential Care	C					Community Homes permitted in all districts per State Law (Human Resources Code Chapter 123)
	8399	Social Services, NEC	P		P			
84		MUSEUMS, BOTANICAL GARDENS						
	8412	Museums and Art Galleries	P	C	P			

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SIC GROUP	SIC NO.	DESCRIPTION	B-O	B-1	B-2	M-1	M-2	NOTES
	8422	Botanical and Zoological Gardens	P	C	P			
86		MEMBERSHIP ORGANIZATIONS						
	8611	Business Associations	P	P	P	P		
	8621	Professional Organizations	P	P	P	P		
	8631	Labor Organizations	P		P	P		
	8641	Civic and Social Organizations	P	P	P			
	8651	Political Organizations	P		P	P		
	8661	Religious Organizations	P	P	P			
	8699	Membership Organizations, NEC	P	C	P			
87		ENGINEERING, ACCOUNTING, RESEARCH, MANAGEMENT AND RELATED SERVICES						
	8711	Engineering Services	P	P	P	P		
	8712	Architectural Services	P	P	P	P		
	8713	Surveying Services	P	P	P	P		
	8721	Accounting, Auditing & Bookkeeping	P	P	P	P		
	8731-8734	Research and Testing Services	P		P	P	P	
	8742	Management Consulting Services	P	P	P	P		

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SIC GROUP	SIC NO.	DESCRIPTION	B-O	B-1	B-2	M-1	M-2	NOTES
	8743	Public Relation Services	P	P	P	P		
	8748	Business Consulting Services, NEC	P	P	P	P	P	
88		PRIVATE HOUSEHOLDS						
PUBLIC ADMINISTRATION								
89		Service, Not Elsewhere Classified						
	8999	Service, Not Elsewhere Classified	P	P	P			
91		EXECUTIVE, LEGISLATIVE, AND GENERAL						
	9111-9119		P	P	P	P		
92		JUSTICE, PUBLIC ORDER, AND SAFETY						
	9211	Courts	P		P	P		
	9221	Police Protection	P	P	P	P		
	9222	Legal Counsel and Prosecution	P		P	P		
	9223	Correctional Institutions	C		P	P		
	9224	Fire Protection	P	P	P	P		
	9229	Public Order and Safety, Not Elsewhere Classified	P		P	P		

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SIC GROUP	SIC NO.	DESCRIPTION	B-O	B-1	B-2	M-1	M-2	NOTES
93		FINANCE, TAXATION, & MONETARY POLICY						
	9311	Finance, Taxation, & Monetary Policy	P	P	P	P		
94		ADMINISTRATION OF HUMAN RESOURCES						
	9411-9451		P		P	P		
95		ENVIRONMENTAL QUALITY AND HOUSING						
	9511-9532		P		P	P		
96		ADMINISTRATION OF ECONOMIC PROGRAMS						
	9611-9661		P		P	P		
97		NATIONAL SECURITY AND INTL. AFFAIRS						
	9711-9721					P	P	
NONCLASSIFIABLE ESTABLISHMENTS								
99		NONCLASSIFIABLE ESTABLISHMENTS						
		Adult Day-Care	C	P	P			
		Heliport/ Helipad	C		C	C	C	

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"P" = Permitted or allowed use			"C" = Conditional Use Permit required			"A" = Ancillary use		Blank Box = Prohibited
SIC GROUP	SIC NO.	DESCRIPTION	B-O	B-1	B-2	M-1	M-2	NOTES
		Parks/Recreational Facilities, Public or Private	P	P	P	P	P	
		Storage Lots for Recreational Vehicles				P	P	
		Adult Oriented Businesses				P		
		Corporate Professional Offices, Not Retail	P	P	P	P	P	

(Ord. No. 1156, § 1, 12-15-98; Ord. No. 1186, § 1, 10-5-99; Ord. No. 1201, § 4, 9-28-99; Ord. No. 1238, § 1, 4-18-00; Ord. No. 1273, § 1, 11-21-00; Ord. No. 1282, § 1, 1-2-01; Ord. No. 1309, § 1, 7-3-01; Ord. No. 1361, § 1, 8-20-02; Ord. No. 1401, § 2, 7-15-03; Ord. No. 1410, § 1, 9-2-03; Ord. No. 1606, § 1, 2-20-07; Ord. No. 1645, § 1, 10-2-07; Ord. No. 1689, § 1, 7-1-08; Ord. No. 1773, §§ 1(1)—(3)(Exh. A), 2-16-10; Ord. No. 1908, § 1, 6-18-13)

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Sec. 2-92. Nonresidential District Regulations.

The following bulk regulations apply:

Table 2-92.1: Bulk Regulations for Nonresidential Zoning Districts						
REGULATION		ZONING DISTRICT				
		B-O	B-1	B-2	M-1	M-2
Minimum Front Yard (Setback)		25 ft. (a)	25 ft. (a)	25 ft. (a)	25 ft. (a)	25 ft. (a)
Minimum Side and Rear Yard (Setback)	Abutting Nonresidential District or R-4	10 ft. (a) (b)	10 ft. (a) (b)	10 ft. (a) (b)	10 ft. (a)	10 ft. (a)
	Abutting Residential District other than R-4	25 ft. (a)	25 ft. (a)	25 ft. (a)	25 ft. (a)	25 ft. (a)
Minimum Street Side Yard (Setback)		25 ft. (a)	25 ft. (a)	25 ft. (a)	25 ft. (a)	25 ft. (a)
Minimum Open Space (% of Lot Area)		15%	20%	15%	20%	15%
Maximum Height of Structures		(c) (d)	2 ½ stories, but not more than 35 ft. from finished grade; (c) (d)	100 ft.; CUP required if over 100 ft.; (c) (d)	(c) (e)	(c)
Outside Use		(f)	(f)	See Sec. 2-74. Additional Nonresidential District Regulations		
Additional Regulations		See Sec. 2-93. Additional Nonresidential District Regulations Note: Parking setback requirements are detailed in Chapter 2, Article V.				
REFERENCES						
a. For Yards abutting an Arterial Street or highway, the minimum Yard is 40 feet.						
b. A Yard is not required where a common wall of a building is located at the Lot line.						
c. Airport Height Hazard Regulations may apply.						
d. 2/1 Bulk Plane: If any portion of a proposed building is within 500 linear feet of a Residential District, other than R-4, setback of 2 feet for each 1 foot in height over 24 feet.						
e. 1/1 Bulk Plane: If any portion of a proposed building is within 500 linear feet of a Residential District, other than R-4, setback of 1 foot for every 1 foot in height over 24 feet.						
f. All merchandise and materials related to the business must be displayed and stored inside a permanent Building. All business activities must be conducted within a fully-enclosed Building.						

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Sec. 2-93. Additional Nonresidential District Regulations.

The following regulations apply:

A. *Business Office District (B-O).*

1. Ancillary Uses in Office Buildings.

- a. An office building located in the district may include the Ancillary Uses designated in the land use matrix of Permitted Use in this Article if the following conditions are met:
 - 1) The office building contains at least 50,000 square feet of floor space; and
 - 2) All Ancillary Uses in the building do not occupy more than 10% of the total floor space of the entire building.

B. *General Business District (B-2).*

- 1. *Outside Use:* Except as described below, all business activities must be conducted within a fully-enclosed Building, and all merchandise and materials related to the business must be displayed and stored inside a permanent Building.
 - a. Merchandise may not be stored in or sold out of mobile or stationary containers, vehicles, or trailers, with the exception that merchandise may be temporarily stored within designated loading and unloading spaces as identified in 2-221 of the Development Code. Merchandise may be temporarily displayed or stored outside the Building on the same premises if the merchandise:
 - 1) Is not located on public property or within a required Parking Space or Yard;
 - 2) Is not displayed or stored outside for more than 30 consecutive days or for more than 90 days within 1 calendar year;
 - 3) Is owned by the owner or lessee of the Building; and
 - 4) Does not occupy a contiguous area in excess of 10% of the ground Floor Area of the Building or tenant space of the business displaying or storing the merchandise. The 10% restriction does not apply to landscaping materials for retail nurseries or lawn and garden supply stores, if displayed within a fenced area.
 - b. For uses classified under SIC group 55, Automotive Dealers and Service Stations, merchandise may be displayed and stored outside of a permanent building as specified in the approved Conditional Use Permit.

(Ord. No. 1305, §§ 3, 8, 11-6-01; Ord. No. 1607, § 3, 2-20-07)

C. *Restricted Industrial District (M-1).*

1. *Outside Use:*

- a. All business activities must be conducted within a fully-enclosed Building.
- b. Materials or equipment not offered for sale or rent but used in the business may be stored outside of a permanent Building if the materials and equipment do not occupy a contiguous area greater than 20% of the ground Floor Area of the Building or tenant space of the business that stores the materials or equipment.
- c. Merchandise may be displayed or stored outside a permanent Building if:
 - 1) It is not located on public property or within a required Parking Space or Yard; and

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- 2) The merchandise does not occupy a contiguous area greater than 10% of the ground Floor Area of the Building or tenant space of the business displaying or storing the merchandise; and

- a) The 10% restriction does not apply to

- i. Landscaping materials for retail nurseries or lawn and garden supply stores, if displayed within a fenced area; or
- ii. Trailers and other motorized machinery and equipment offered for sale or rent if displayed on a paved surface and screened from public view as defined in Article XV of this Chapter.

2. Environmental:

- a. No use may generate any ground-transmitted vibration in excess of 0.10 inch per second measured at the Lot Line, or in excess of 0.02 inch per second measured at any residential Lot Line. These values may be multiplied by 2 for impact vibrations, i.e. discrete vibration pulsations not exceeding 1 second in duration and having a pause of at least 1 second between pulses.
- b. Heat from furnaces, processing equipment, or other devices must be contained so that the temperature of air or materials is raised no more than 5 degrees Fahrenheit as measured at all Lot Lines.
- c. Odors or fumes created by industrial processes must be contained so that no odors may be sensed at the Lot Line which exceeds the lowest amount set forth in Table III (Odor Thresholds) of Chapter 5, "Physiological Effects," in the latest edition of the Air Pollution Abatement Manual of the Manufacturing Chemists Association. For compounds not described in Table III, odor thresholds may be established by methods indicated in Chapter 5 of the manual.
- d. Additional regulations in Article XIII (Maximum Noise Standards) of this Chapter apply.

(Ord. No. 1305, §§ 4, 9, 11-6-01; Ord. No. 1607, § 4, 2-20-07)

3. Ancillary Uses:

- a. A building located in the district may include the Ancillary Uses designated in the land use matrix of Permitted Uses if the following conditions are met:
 - 1) The building contains at least 50,000 square feet of floor space; and
 - 2) All Ancillary Uses in the building do not occupy more than 10% of the total floor space of the entire building.

D. *General Industrial District M-2*

1. Outside Use:

- a. All business activities must be conducted within a fully-enclosed Building, except that materials and equipment used in the business may be stored outside a permanent Building.
- b. Merchandise may be displayed or stored outside a permanent Building if:
 - 1) It is not located on public property or within a required Parking Space or Yard.
 - 2) The merchandise does not occupy a contiguous area greater than 20% of the ground Floor Area of the Building or tenant space of the business displaying or storing the merchandise.

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- a) The 20% restriction does not apply to:
 - i. Landscaping materials for retail nurseries or lawn and garden supply stores, if displayed within a fenced area, or
 - ii. Trailers and other motorized machinery and equipment offered for sale or rent if displayed on a paved surface and screened from public view as defined in Article XV (Landscaping and Screening Regulations).
- 2. Environmental:
 - a. No use may generate any ground-transmitted vibration in excess of 0.10 inch per second measured at the Lot Line, or in excess of 0.02 inch per second measured at any residential Lot Line. These values may be multiplied by 2 for impact vibrations, i.e. discrete vibration pulsations not exceeding 1 second in duration and having a pause of at least 1 second between pulses.
 - b. Heat from furnaces, processing equipment, or other devices must be contained so that the temperature of air or materials is raised no more than 5 degrees Fahrenheit as measured at all Lot Lines.
 - c. Odors or fumes created by industrial processes must be contained so that no odors may be sensed at the Lot Line which exceeds the lowest amount set forth in Table III (Odor Thresholds) of Chapter 5, "Physiological Effects," in the latest edition of the Air Pollution Abatement Manual of the Manufacturing Chemists Association. For compounds not described in Table III, odor thresholds may be established by methods indicated in Chapter 5 of the manual.

Sec. 2-94 – 2-109. Reserved

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PART 4. MIXED USE CONSERVATION DISTRICT (MUC)

[Sec. 2-110. Purpose and Intent.](#)

[Sec. 2-111. Site Development Permit.](#)

[Sec. 2-112. Permitted Uses.](#)

[Sec. 2-113. District Regulations.](#)

[Sec. 2-114. Special Regulations for Nonresidential Uses.](#)

[Sec. 2-115. Special Sign Regulations.](#)

[Secs. 2-116, 2-129. Reserved.](#)

Sec. 2-110. Purpose and Intent.

The Mixed Use Conservation District is intended to preserve the local heritage by protecting the visual character of the built environment within the district which are considered significant to the history and origin of the City and to:

- A. Sustain and enhance the economic viability of the older, existing predominantly residential neighborhoods while permitting a reasonable amount of restricted Nonresidential Use;
- B. Promote development or redevelopment that is substantially consistent and compatible with the character and physical appearance of the existing mixed use neighborhoods; and
- C. Prevent encroachment of incompatible, new development that would disturb the heritage and local historic significance of the District.

Sec. 2-111. Site Development Permit.

The Planning and Zoning Commission may grant a Site Development Permit for a building that does not comply with the District Regulations in Section 2-113 or the Building Finish Standards located in Chapter 2, Article X, if the Commission determines that the proposed building is compatible with the existing character of the district. If the Commission denies a Site Development Permit, an applicant may appeal the denial to City Council by submitting a written request to the Director within 30 days of the date of denial. The City Council may approve or deny the request, return it to the Commission for further consideration, or take whatever other action the Council deems appropriate.

Sec. 2-112. Permitted Uses.

- A. The following uses are permitted by right in the MUC District:
 - 1. Travel Agencies (4724)
 - 2. Arrangement of Passenger Transportation NEC (4729)
 - 3. Used Merchandise Stores (5932): Antique and book stores only
 - 4. Insurance Agents, Brokers, and Service (6411)
 - 5. Operators of Nonresidential Buildings (6512)
 - 6. Operators of Apartment Buildings (Off-Site Management Only) (6513)
 - 7. Operators of Dwellings Other than Apartment Buildings (6514)

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8. Real Estate Agents and Managers (6531)
9. Title Abstract Offices (6541)
10. Management Investment Offices, Open-End (6722)
11. Photographic Studios, Portrait (7221)
12. Beauty Shops (7231)
13. Barber Shops (7241)
14. Advertising Agencies (7311)
15. Computer Programming (7371)
16. Legal Services (8111)
17. Political Organizations (8651)
18. Religious Organizations (8661)
19. Engineering Services (8711)
20. Surveying Services (8713)
21. Accounting, Auditing & Bookkeeping (8721)
22. Management Consulting Services (8742)
23. Public Relation Services (8743)
24. Business Consulting Services, NEC (8748)
25. Service, NEC (8999)
26. Single Family Residential (99)

(Ord. No. 1201, § 1, 9-28-99; Ord. No. 1645, § 2, 10-2-07)

Sec. 2-113. District Regulations.

- A. The following regulations apply in the Mixed Use Conservation District:

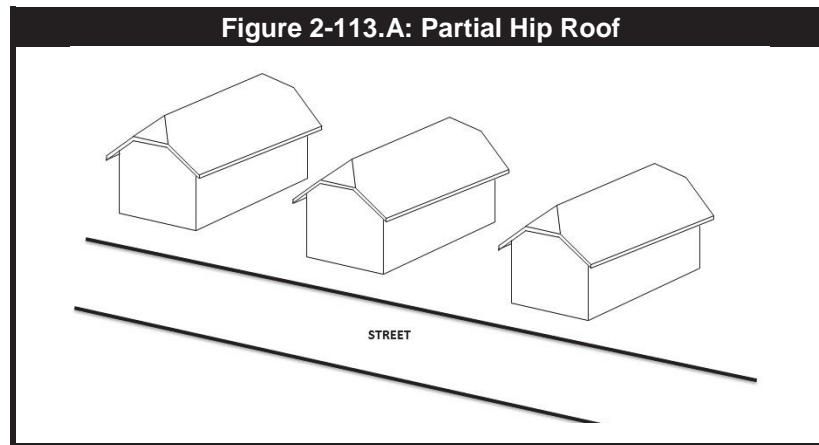
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Table 2-113.1: Mixed Use Conservation District Regulations			
REGULATION		North of Guenther	South of Guenther
Minimum Lot Area		6,600 sq. ft.	
Minimum Lot Width	Corner Lots	75 ft.	
	All Other Lots	60 ft.	
Minimum Lot Depth		125 ft.	
Minimum Front Yard (Setback)		20 ft.	
Minimum Side Yard (Setback)	Residential Use	10% of lot width, but not less than 5 ft.	
	Nonresidential Use	10 ft.	
Minimum Street Side Yard (Setback)		15 ft.	
Minimum Rear Yard (Setback)		25 ft.	
Minimum Parking Lot Setbacks and Landscape Area	Front and street side lot lines	15 ft.	
	Rear and side lot lines	6 ft.	
Maximum Lot Coverage		40%	
Minimum Lot Not Covered by Buildings, Pavement, or Gravel (Minimum Landscaped Area)		30%	
Maximum Height of Structures		27 ft. from finished grade	1) If within 75 ft. of the front lot line, 1 ½ stories, but not more than 20 ft. from finished grade to peak of roof 2) If behind 75 ft. of the front lot line, 27 ft. from the finished grade
Additional Regulations		<i>See also Article III: Height and Area Regulations and Article IV: Supplemental Regulations for additional regulations.</i> <i>Note: Parking setback requirements are detailed in Chapter 2, Article V. Off-Street Parking and Loading Regulations.</i>	

B. The following regulations apply to principal buildings in the Mixed Use Conservation District:

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1. Must be constructed on the front of the lot;
2. Front porch required:
 - a. Minimum of 10% of width of front facade of the building;
 - b. If covered—20-foot Front Yard (setback);
 - c. If not covered—May extend up to 5 feet into required Front Yard;
3. Gabled roof required on the front and rear of the building:
 - a. Minimum overhang—1 foot;
 - b. Maximum overhang—2 feet;
4. Partial hip roof required on the front of all buildings located at 322 Brooks St. and south. In this section, a partial hip roof means a roof where $\frac{1}{4}$ to $\frac{1}{2}$ of the roof, as measured vertically from the top of the roof to the base of the roof, slopes down to the front facade of the building;



5. Maximum Floor Area of Principal Building:
 - a. If South of Guenther—1,500 square feet;
 - b. If North of Guenther—2,000 square feet.
6. Attached garages are not permitted and garages must be at least 5 feet from the Principal Building.
- C. If a Non-Accessory Building is located on the lot, the principal Building must be used for a lawful nonresidential use.
- D. The following regulations apply to Non-Accessory buildings constructed in the Mixed Use Conservation District:
 1. A Non-Accessory Building must be built on the rear of the lot.
 2. A Non-Accessory Building must be used as a single-family residence and be occupied by the operator of the business in the principal building.
 3. Minimum front yard of a Non-Accessory Building—75 feet.
- E. The following regulations apply to Accessory Buildings in the Mixed Use Conservation District:

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1. Minimum front yard—50 feet.
 2. May not exceed the height of any other building existing on the site.
- F. See also Article III: Height and Area Regulations, Article IV: Supplemental Regulations for additional regulations, and Article V: Off-Street Parking and Loading Regulations.
- (Ord. No. 1127, § 1, 9-1-98; Ord. No. 1201, § 2, 9-28-99; Ord. No. 1645, § 2, 10-2-07; Ord. No. 1723, § 1, 12-16-08)

Sec. 2-114. Special Regulations for Nonresidential Uses.

- A. *Purpose.* The purpose of this Section is to maintain the residential character of the district by providing regulations for Nonresidential Uses in the district to ensure that the use does not adversely affect the residential character of the district.
- B. *Application.* The regulations of this section apply to any property in the district that is changed from a Residential Use to a Nonresidential Use. These regulations control over any other conflicting regulations contained in the Development Code.
- C. *Site Plan Package Review.* Before any certificate of occupancy is issued for any Building in the district that is changed from a Residential Use to a Nonresidential Use or before any Parking Lot is installed in the district, the applicant shall submit a Site Plan Package for the property in the form specified and containing the information specified by the Director and the Development Application Handbook. A certificate of occupancy shall not be issued and a Parking Lot shall not be installed until the Director certifies that the occupancy or Parking Lot will comply with the regulations of this Code.
- D. *Parking and Driveway Regulations.*
1. New parking lots must be constructed to the rear of the Principal Building.
 2. Parking lots and driveways must be constructed of concrete, asphalt, or gravel.
 3. Driveways shared by abutting properties must be at least 20 feet in width at the Right-of-Way line. Property owners using shared driveways must submit an agreement to the City with the required site plan providing for joint use of the shared driveway.
 4. To comply with the City's off-street parking schedule:
 - a. Each parking space within a garage counts as 1 parking space,
 - b. A driveway is counted as 1 parking space, and
 - c. Parking spaces currently designated in the Brooks Street Right-of-Way and located entirely within the property's north and south lot lines shall be counted.
- E. *Landscape and Screening Regulations.* The following landscape and screening requirements apply to all new development within the MUC District:
1. All portions of the ground located in the Front Yard or the Street Side Yard of the premises which are not covered by driveways, Parking Lots, and similar permanent improvements, must be Landscaped.
 2. A Parking Lot located within a Street Side Yard must have a 15-foot wide Landscaped Area located between all portions of the Parking Lot and the Street. The Landscaped Area must have a continuous row of hedges or shrubs, planted on triangular centers and not separated by more than thirty 36 inches. The row of hedges or shrubs must be a minimum height of 3 ½ feet at the time of planting to screen the Parking Lot from the Street.

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3. A Parking Lot located in a Side or Rear Yard must have a row of continuous hedges or shrubs, Fence, or berm, at a minimum height of 4 feet located between the Parking Lot and Lot Line. The hedges or shrubs must be a minimum of 3 1/2 feet in height at the time of planting.
- F. *Lighting Requirements.* Parking lots located in the MUC District are not required to be lit. If lighting is used to illuminate parking lots, it must be arranged, located, or screened to direct light away from any adjoining or abutting lot used for residential use. All lighting must comply with Article XII (Lighting Standards).
- G. *Outside Use.* All business activities must be conducted within a fully-enclosed Building. All merchandise must be displayed and stored inside a permanent Building. Merchandise means the commodities or goods that are bought and sold in business.

(Ord. No. 1201, § 3, 9-28-99; Ord. No. 1645, § 3, 10-2-07)

Sec. 2-115. Special Sign Regulations.

- A. The regulations of this Section shall govern over any conflicting sign regulations contained in Chapter 4 (Sign Regulations).
- B. The following regulations apply to Lots in the District that contain a Structure originally designed for residential use but the Structure is now primarily devoted to a lawful nonresidential use:
 1. A Freestanding Sign is not permitted.
 2. The primary Structure may contain 1 Wall Sign or 1 attached sign if the sign:
 - a. Does not exceed 3 square feet or have a dimension exceeding 3 inches;
 - b. Does not have internal or exterior lighting; and
 - c. Is constructed of wood or metal.
 - 1) A Wall Sign may not be located on an accessory Building or Structure.
 - 2) Signs advertising the nonresidential use of the Structure may not be located in or affixed to any glass of a window or door so as to be visible from any public street.
 3. In this Section, an "attached sign" means a sign that extends out perpendicularly from the wall to which it is attached.

(Ord. No. 1127, § 2, 9-1-98)

Secs. 2-116 – 2-129. Reserved.

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[Sec. 2-130. Intent.](#)

[Sec. 2-131. Minimum Size.](#)

[Sec. 2-132. Submission of Application and Approval Procedure.](#)

[Sec. 2-133. General Development Plan and Final Development Plan Requirements.](#)

[Sec. 2-134. Development of a District.](#)

[Sec. 2-135. Plan Amendments.](#)

[Sec. 2-136 – 2-149. Reserved.](#)

Sec. 2-130. Intent.

The Planned Development (PD) district is designed to permit flexibility and encourage a more creative, efficient, and aesthetically desirable design and placement of Buildings, Open Spaces and circulation patterns by allowing a mixture or combination of uses and to best utilize special site features such as topography, size, and shape. A PD district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this Code. While greater flexibility is given to allow special conditions or restrictions that would not otherwise allow the development to occur, the requirements established herein ensure against the misuse of such increased flexibility. It is intended for application in all land use designations on the Future Land Use Plan, provided that the uses and development standards proposed are consistent with the stated goals of the City's Comprehensive Plan. The layout plan should provide an overall design, enhanced or increased Open Space, or other features or amenities that result in a high-quality development or offer unique or special benefits to the community as specified in this Part.

Sec. 2-131. Minimum Size.

A district containing only Residential Uses must contain at least 10 acres of land. A district containing both Residential and Nonresidential Uses must contain at least 25 acres of land. A district containing Nonresidential Uses only must contain at least 5 acres of land. As an exception, the Commission may recommend approval of and the Council may approve a district with less land than specified in this Section if the developer clearly demonstrates that a smaller development would achieve the intent of the district.

Sec. 2-132. Submission of Application and Approval Procedure.

- A. An application and fee for the establishment of a PD district must be accompanied by a General Development Plan (GDP) or a Final Development Plan (FDP). The GDP or FDP must be submitted in the form and manner specified by the Director and detailed in the Development Application Handbook.
- B. The creation of a PD District is a rezoning of the existing zoning district classification and will be considered by the Commission and City Council, after public notice and hearing, in the same manner as other changes in zoning district classification. A PD district may be created by the City Council approving an ordinance to adopt a GDP or a FDP.
- C. A GDP may be submitted as an interim step when detailed development plans are not available, as required for a FDP. Note: City approval of a GDP does not give the owner any development rights on the premises; it only gives the owner the right to proceed with the submission of a FDP.

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- D. A PD District may be created by submittal of only a FDP, which combines the GDP and FDP into one process.
- E. If a PD district is created upon approval of a GDP, a FDP must be submitted to the Director within 2 years of the date the GDP was approved, unless a different timeframe is specified in the ordinance that adopts the GDP. If the first FDP submitted does not include all of the acreage of the GDP and multiple FDPs will be submitted, the submittal of the first FDP satisfies the timeframe requirement.
- F. If a FDP submitted substantially complies with the approved GDP, the Director may submit the FDP to the Commission and to the Council for consideration without further public notice or hearing. If the FDP submitted does not substantially comply with the GDP approved for the district, the notice and hearing procedures applicable to a change in zoning classification apply to approval of the FDP. The FDP is not effective until approved by ordinance of the City Council.
- G. If a FDP is not submitted within the required time, the Director will initiate a rezoning of the land to an appropriate district unless an extension is recommended by the Commission and approved by the City Council. An extension may be approved for good cause shown and upon written application of the owner.
- H. If a building permit for development has not been issued within 2 years of the date of the approval of the FDP, the FDP automatically expires unless an extension is recommended by the Commission and approved by the City Council. An extension may be approved for good cause shown and upon written application of the owner. If the FDP expires, the Director will initiate a rezoning of the land to an appropriate district.

Sec. 2-133 General Development Plan and Final Development Plan Requirements

- A. The GDP, which does not contain the detail required of the FDP, is intended to provide sufficient information for public comment and for the Commission and Council to make a preliminary, but not final, determination on the merits of the development, without requiring the owner to incur the expense of preparing a FDP. In addition to any other information required by the Director, the GDP must contain text regulations and exhibits identifying the following minimum information:
 - 1. General site layout plan including:
 - a. Overall property boundary;
 - b. Existing and proposed Streets and Primary Access Easements;
 - c. Identification of development areas such as districts, blocks or parcels; and
 - d. Optional identification of key land uses and their location and orientation.
 - 2. Development regulations, including:
 - a. Defined deviations from or alternative regulations to the identified reference standard zoning district, all standard Development Code regulations, and Design Standards. A GDP may include several districts or areas with different reference standard zoning districts;
 - b. Designation of development areas as suburban or urban;
 - c. Proposed general categories of land uses, established for each district or area depending on development size or character;
 - d. Relationships to adjacent properties;
 - e. General building finishes;
 - f. General building height;

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- g. Building size requirements as needed, establishing the scale of development next to adjacent uses;
 - h. General vehicle, pedestrian, and bicycle access shown along streets illustrated on the plan and any additional known connections; and
 - i. Identification of any specific features for which additional direction from the Commission and Council is needed.
 - 3. Landscape regulations, including:
 - a. Significant environmental features;
 - b. Landscape areas, related to proximity and adjacency where differing land uses abut one another;
 - c. Minimum open space; and
 - d. Enhanced landscaping requirements.
 - 4. Pedestrian and bicycle facilities, including:
 - a. Existing pedestrian and bicycle facilities;
 - b. Proposed pedestrian and bicycle facilities showing circulation within the development;
 - c. Connectivity to adjacent sites, Streets, Primary Access Easements, and existing or proposed pedestrian and bicycle facilities; and
 - d. Identification of pedestrian and bicycle facility design requirements that differ from the standard regulations in this Code.
 - 5. Approximate locations of parks, open spaces, trails, pedestrian and bicycle plazas.
 - 6. Information relating to the transition between and buffering of differing land uses, including internal proximity within the development and external proximity between the development and adjacent properties.
 - 7. Additional application requirements as detailed in the Development Application Handbook.
- B. The FDP is intended to provide all the detailed information about a development, including all the regulations that will apply to the district. The FDP submitted must include all the information required by the GDP, but in specific detail. In addition to any other information required by the Director, the FDP must contain text regulations and exhibits identifying the following minimum information:
 - 1. Final site layout plan, including:
 - a. Building envelope;
 - b. Identify Landscaped Areas and Parcels/Lots/reserves;
 - c. Estimated Parcel/Lot/reserve acreages;
 - d. Circulation between parcels/lots/reserves; and
 - e. Additional site features as needed based on site specific conditions.
 - 2. Development regulations, including:
 - a. Proposed specific listings of land uses (established for each district or area) to identify specific land use locations;
 - b. Designation of development areas as suburban or urban;

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- c. Specific building finishes;
 - d. Specific vehicle, pedestrian, and bicycle access;
 - e. Lot area, width, depth, and coverage;
 - f. Building and parking lot setbacks;
 - g. Parking layout; and
 - h. Outside use requirements.
 3. Landscape regulations, including:
 - a. Specific landscape areas;
 - b. Detailed plant list; and
 - c. Tree size, spacing and locations.
 4. Pedestrian and bicycle facilities, including location and design elements.
 5. Parks and open spaces regulations, including location and design of parks and open spaces, pedestrian and bicycle plazas.
 6. Information relating to the transition between and buffering of differing land uses, including internal proximity within the development and external proximity between the development and adjacent properties.
 7. Additional application requirements as detailed in the Development Application Handbook.
- C. Applications for GDPs and FDPs shall identify a PD type as either suburban or urban.
1. A Suburban PD features the development of suburban-style commercial and/or residential development featuring lower densities, horizontal development and a focus on open space.
 2. An Urban PD features the development of urban-style, mixed-use development featuring higher densities, vertical development, and a focus on civic space.
 3. The following tables identify minimum requirements for Suburban and Urban type PDs. Requirements are intended to exceed compliance with standard zoning requirements in this Code. Additional information on the following requirements is detailed in the Development Application Handbook.
 - a. Requirements for Suburban and Urban FDPs are as follows:

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Table 2-133.1: Requirements for Suburban or Urban Final Development Plans

Categories		Suburban Requirements	Urban Requirements
Land Uses		n/a	Must include a diversity of land uses that promote an active pedestrian environment and allow for shared parking.
Building Relationship to Public Realm	Building Transparency	Provide transparency for not less than 25% of ground floor elevations	Provide transparency for not less than 50% of ground floor elevations
	Building Setback	Minimum building setback as set by reference standard zoning district. Minimum building setback may be increased to provide additional buffering adjacent to residential.	Maximum building setback of 15 ft.
Building Criteria	Building Finishes	For nonresidential uses, building finishes must meet or exceed the Development Code Finish provisions of the Business Office (B-O) District.	
		E.I.F.S. is prohibited.	
		Alternative finishes may be submitted for review.	
	Building Height	Establishing a minimum height is not required.	Minimum 2 stories for 75% of the sq. ft. of buildings in the development.
		Maximum height established by GDP regulations based on location and proximity to existing residential use. Maximum height may not exceed established airport height regulations.	
Layout	Block Length	Maximum block length of 1,000 ft.	Maximum block length of 500 ft.
Open Space		Minimum 15% landscaped area.	Minimum 15% civic or public space, which may include public plazas, squares or parks. Civic or public spaces may include areas of hardscape or landscape or any combination thereof. Parking does not qualify as hardscape for the purposes of providing open space. Civic or public spaces must include amenities.
Pedestrian and Bicycle Facilities		Compliance with the facilities (sidewalks, sidepaths, trails, etc.) recommended by the Pedestrian and Bicycle Master Plan, and designed in accordance with the Design Standards.	
		Enhanced Pedestrian realm not required.	Pedestrian realm must include amenities such as sidewalks, street furniture, street trees, pedestrian-scale lighting, and outdoor cafes along 75% of street frontages. Sidewalks must be a minimum of 8 ft. in width. The pedestrian realm must be concrete or combination of concrete and decorative paving.
		Enhanced bicycle parking not required.	Enhanced bicycle parking and/or facilities.
Parking	Paving	Parking and drive areas are to be constructed with concrete or combination of concrete and decorative paving.	
	Shared Parking	Shared parking is not required.	A Shared Parking Plan is required as a component of the overall parking plan.

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Table 2-133.1: Requirements for Suburban or Urban Final Development Plans			
Categories		Suburban Requirements	Urban Requirements
	Structured Parking	Structured parking is not required.	Structured parking is required for not less than 50% of provided motor vehicle parking.
	Surface Parking Lot Maximums	Total number of parking lot spaces located in surface parking lots may not exceed 150% of the required motor vehicle parking spaces.	Maximum surface parking lot spaces determined by structured parking requirement above.
	On-Street Parking	On-street parking is not required.	On-street parking must be provided on a minimum of 50% of all new streets on both sides, including project side of bordering streets. On-street parking requirements may be applied to existing streets where appropriate. On-street parking may count towards required off-street parking for any use. A parking plan must be submitted to show on-street parking counting only once towards off-street parking requirements.
Connectivity		Connectivity for bicycle and pedestrian circulation within site and to adjacent sites.	
Landscaping	Parking Lot Screening (Rear and Side Yard)	Minimum 50% Rear and Side Yard parking lot screening (in accordance with Article XV) for nonresidential or multifamily adjacent to nonresidential or multifamily.	Minimum 75% Rear and Side Yard parking lot screening (in accordance with Article XV) for nonresidential or multifamily adjacent to nonresidential or multifamily.
	Parking Lot Screening (Front and Street Side Yard)	Minimum 100% Front and Street Side Yard parking lot screening (in accordance with Article XV) for nonresidential or multifamily adjacent to nonresidential or multifamily.	
	Trees	Minimum 4 in. caliper Shade Trees.	Located within or adjacent to the pedestrian realm, minimum 6 in. caliper Shade Trees. In all other areas, minimum 4 in. caliper Shade Trees.
			Shade trees within pedestrian realm shall be located within tree wells. Civic or public spaces must have a minimum of 2 Shade Trees for every 500 sq. ft.
Buffering		Enhanced and/or increased buffering for nonresidential uses adjacent to residential uses.	
Transit		Projects greater than 50 acres must include at least 1 area reserved for potential conversion to future transit stop for every 30 acres.	Projects greater than 25 acres must include at least 1 area reserved for potential conversion to future transit stop for every 20 acres.

- b. Requirements for multi-family developments in Suburban or Urban FDPs are as follows. Where requirements are not specified, requirements in Table 2-132.1 above apply.

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Table 2-133.2: Requirements for Multi-Family Developments Suburban or Urban Final Development Plans		
Categories	Suburban Requirements	Urban Requirements
Land Uses	Vertical and/or horizontal mix of uses.	Vertical mix of uses within buildings.
	Must include a diversity of land uses that promotes an active pedestrian environment.	
	Must be integrated into the overall development.	
Parking lot screening (Rear and Side Yard)	Minimum 75% Rear and Street Side Yard parking lot screening (in accordance with Article XV) adjacent to nonresidential or multifamily.	
Parking lot screening (Front and Street Side Yard)	Minimum 100% Front and Street Side Yard parking lot screening (in accordance with Article XV) for adjacent to nonresidential or multifamily.	
Trees	Located within or adjacent to the pedestrian realm, minimum 6 in. caliper Shade Trees. In all other areas, minimum 4 in. caliper Shade Trees.	
Pedestrian elements	Minimum 10 ft. sidewalk along streets and primary access easement adjacent to the site. Sidewalks may be concrete or pavers or a combination thereof.	
	Minimum 1 public pedestrian plaza (500 sq. ft.) for every 5 acres.	Minimum 2 public pedestrian plazas (500 sq. ft. each) for every 5 acres. May be met with combined larger plaza.
	Enhanced pedestrian realm along a minimum of 50% of street frontages to encourage pedestrian activity.	
Parking	Integrated parking or structured parking or a combination thereof required.	Structured parking required for 75% of provided parking.
Building Height	Minimum 2 stories	Minimum 4 stories
Transit	Provide at least 1 area reserved for potential future transit stop conversion for every 20 acres.	
Building finishes	Building finishes must meet or exceed the Development Code Finish provisions of the Business Office (B-O) District.	
	E.I.F.S. is prohibited.	
	Alternative finishes may be submitted for review.	
Occupancy	Building elevations required.	
	Construction standards to meet requirements of future conversion to owner occupancy.	
Environmental Design	Green building features are required for structures and site development.	
Open Space	Allowance for shared common space between different uses.	

- The Commission may recommend and Council may approve a PD that does not meet all of the above minimum requirements if they find that the proposed PD establishes a high-quality development and offers unique or special benefits to the community.
- At the discretion of the Commission and Council, additional requirements based on site specific conditions may be applied to a GDP and FDP.

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Sec. 2-134. Development of a District.

Development or construction may not begin in a PD District unless and until the Council has approved a FDP for the district. The PD District must be constructed, developed and maintained in compliance with the approved FDP. If the zoning regulations governing the Height or Setback of Structures, Building Lot Coverage, off-street parking requirements, Signs or other regulations that apply to standard districts are omitted as part of the regulations governing any PD District, the regulations for the most comparable primary zoning district, as determined by the Director, apply to the PD District as though specifically contained in the ordinance governing the district.

Sec. 2-135. Plan Amendments.

Except as herein provided, an amendment to a GDP or FDP will be processed in the same manner as required for the initial approval of the PD. The Director may approve minor amendments to a GDP or a FDP to correct errors, make adjustments, or other minor revisions that do not:

1. Change the total square footage of each building by more than the lesser of 10% or 2,500 square feet;
2. Substantially alter the arrangement of Buildings, increase the number of Buildings, change the use of Building space, or reduce a required Yard or Setback;
3. Increase the Height of Buildings;
4. Substantially alter the configuration of Streets or Lots;
5. Substantially alter the vehicular circulation or placement of Parking Lots;
6. Reduce Open Space or Landscaped Areas; or
7. Conflict with other regulations established for the PD.

Sec. 2-136 – 2-149. Reserved.

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PART 6. BRAZOS RIVER PARK AND CONSERVATION ZONING DISTRICT (BR)

[Sec. 2-150. Statement of Intent.](#)

[Sec. 2-151 Permitted Uses.](#)

[Sec. 2-152. District Regulations.](#)

[Sec. 2-153 – 2-169. Reserved.](#)

Sec. 2-150. Statement of Intent.

The Brazos River Park and Conservation Zoning District primarily encompasses the Brazos River and its floodway. This land may be used for park, scenic or conservation purposes. This district allows for open, natural, and improved park and recreation areas.

(Ord. No. 1401, § 3, 7-15-03)

Sec. 2-151 Permitted Uses.

A. The following are uses permitted in the BR District:

1. Construction Sand and Gravel (1442) uses are permitted with an approved CUP
2. Parks/Recreational Facilities, Public or Private (99) are permitted

(Ord. No. 1401, § 3, 7-15-03)

Sec. 2-152. District Regulations.

The following regulations apply in the Brazos River Park and Scenic Zoning District:

Table 2-152.1: Brazos River Park and Scenic Zoning District Regulations	
REGULATION	ZONING DISTRICT
	BR
Minimum Lot Width	None.
Minimum Lot Depth	None.
Minimum Yard Setbacks (Front, Side, and Rear)	20 ft. ¹
Maximum Lot Coverage	10%
Minimum Lot Not Covered by Buildings, Pavement, or Gravel	30%
Maximum Height of Structures	None.
Minimum Parking Lot Setbacks	20 ft.
¹ 40 ft. if abutting an Arterial Street or highway	

(Ord. No. 1401, § 3, 7-15-03)

Sec. 2-153 – 2-169. Reserved.

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[Sec. 2-170. Application.](#)

[Sec. 2-171. Height Exceptions and Exemptions.](#)

[Sec. 2-172. General Yard Regulations \(Setbacks\).](#)

[Sec. 2-173. Special Regulations for Front Yards.](#)

[Sec. 2-174. Special Regulations for Side Yards.](#)

[Sec. 2-175. Special Regulations for Residential Rear and Side Yards Abutting Nonresidential Districts.](#)

[Sec. 2-176. Allowed Yard Obstructions.](#)

[Sec. 2-177. Visibility Obstructions.](#)

[Secs. 2-178—2-189. Reserved.](#)

Sec. 2-170. Application.

The regulations in this Article are in addition to all other regulations on the same subject matter contained elsewhere in this Chapter.

Sec. 2-171. Height Exceptions and Exemptions.

- A. The Height of any Structure erected, established, altered, converted or relocated may not exceed the maximum Height permitted for the district where located, except as follows:
1. Hospitals, private schools, and churches may exceed the permitted district Height by an additional 35 feet if all required Yards for the Building are increased by at least 1 additional foot for each 2 feet of additional Building Height allowed herein. When adjacent to Residential Districts, Bulk Plane regulations applicable to the district in which the structure is located supersede this exception.
 2. Ornamental features, including but not limited to the following elements may be constructed up to 15 feet above the maximum height allowed:
 - a. Chimneys,
 - b. Church steeples,
 - c. Ornamental tower spires,
 - d. Cooling towers,
 - e. Elevator bulkheads,
 - f. Roof gables,
 - g. Parapet walls, and
 - h. Mechanical equipment.
 3. Sports lighting facilities and water towers owned by or under the control of a Governmental Entity and utility poles and towers owned by a Public Utility and used for the transmission and distribution of electricity may be erected to any Height in any zoning district, unless prohibited by the airport height hazard zoning regulations.
 4. Satellite Dish Antennas as permitted by Article IV.

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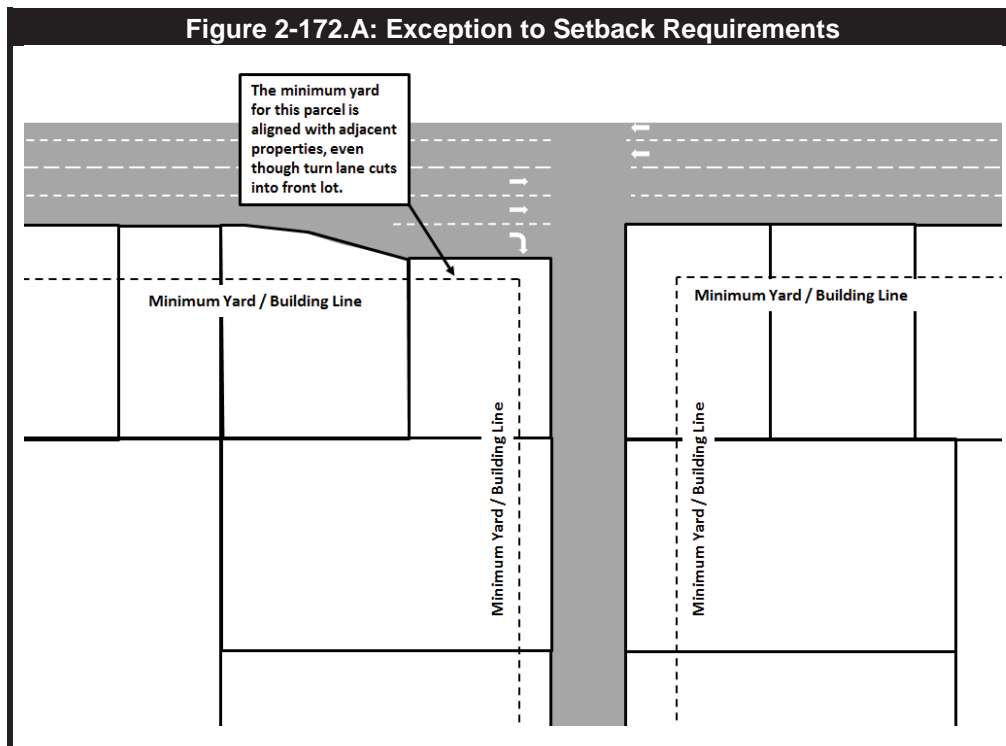
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5. Towers and antennas as permitted by Article VII, regulating telecommunication towers and antennas.

Sec. 2-172. General Yard Regulations (Setbacks).

- A. Setbacks must be measured from the property line. The area between the property line and the setback establishes the required Yard. However, on lots with access from an Access Easement or alley, setbacks shall be measured from the nearest edge of curb.
- B. Except as otherwise provided in this Chapter, a Building may not be located or extend within the required Front, Side, or Rear Yard.
- C. Where more than 1 Principal Building is located on a Lot, the required Yards must be maintained around the group of Principal Buildings.
- D. The Front Yard of a corner Lot is the Yard that fronts upon the Lot Line of least dimension that separates the Street from the Lot.
- E. Exceptions to setback requirements:
 1. Where a platted Lot abuts that portion of a Street that contains a turn lane that prevents the Lot from meeting the same minimum Yard requirements of adjacent Lots in the same block that do not abut the turn lane, the required Yard of the Lot shall be measured from a line determined by extending the same Lot Line that determines the same minimum Yards required of the adjacent Lots located on the same side of the Street and within the same block that do not abut the turn lane. (See Figure 2-172.A)



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2. Where Street right-of way has been increased, all setbacks on a platted developed Lot adjacent to the Street Right-of-Way may comply with the setback requirements established prior to the increase in street Right-of-Way. A platted developed Lot need not comply with the Yard requirements applicable to the Front Yard or Street Side Yard if the Yard is reduced below the required minimum because of an increase in the Street Right-of-Way (see Figure 2-172.A).

(Ord. No. 1278, § 1, 1-2-01)

Sec. 2-173. Special Regulations for Front Yards.

- A. In order to provide continuity of Front Yards, if a single block has more than 1 zoning classification so that there are differing depths that apply to the required Front Yards, the requirement that imposes the greatest front yard depth in that block applies to all Front Yards within that block.
- B. On Lots fronting on 2 nonintersecting Streets, a Front Yard must be provided on both Streets.

Sec. 2-174. Special Regulations for Side Yards.

- A. For the purpose of Side Yard regulations, a Two-Family Dwelling or a Multi-Family Dwelling are both considered as 1 Building occupying 1 Lot.
- B. If, on November 6, 2001 and thereafter, a platted Lot is less than 50 feet in width, the required Side Yards may be reduced to not less than 5 feet, so that the width of the Lot available for the construction of the Principal Building is at least 30 feet.
- C. If a Side or Rear Yard of any premises abuts a lake or waterway or abuts upon a common area that adjoins a lake or waterway, the Principal Building may not be closer than 25 feet to the water's edge.

(Ord. No. 1305, § 10, 11-6-01)

Sec. 2-175. Special Regulations for Residential Rear and Side Yards Abutting Nonresidential Districts.

- A. *General requirement.* Any person that plats a subdivision in which the Rear or Side Yard of a lot within the subdivision proposed for residential use abuts upon a nonresidential use or R-4 district must provide for the installation and maintenance of a 20-foot wide Landscaped common area (LCA) as a buffer between the rear or side yard and the nonresidential or R-4 district. In addition to the landscape requirements in this Code, the developer must plant 1 tree for every 30 feet in the LCA. In lieu of providing a LCA, the developer may add an additional 20 feet to the required Rear or Side Yard abutting a nonresidential or R-4 district.
- B. *Maintenance.* Prior to the sale of a Lot in the subdivision, the developer shall establish and record in the real property records of Fort Bend County deed restrictions that establish a homeowners' association that will exercise the responsibility, through the establishment and collection of homeowners' association fees assessed against the lots, to perpetually maintain the LCA.

(Ord. No. 1305, § 11, 11-6-01)

Sec. 2-176. Allowed Yard Obstructions.

Every part of a required Yard must be open and unobstructed from the general ground level of the graded Lot to the sky, except as indicated in the table below:

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"Y" indicates a permitted or allowed obstruction. "N" indicates not a permitted or allowed obstruction.

Table 2-176. 1: Allowed Yard Obstructions			
	Obstruction	Front and Street Side Yard	Side and Rear Yard
1.	Living plant material, landscaping, fountains, sculptures, planter boxes, lighting fixtures, flagpoles, mailboxes, overhead service lines and poles for utilities, which are situated and constructed in compliance with all other ordinances.	Y	Y
2.	Awnings and canopies attached to a Principal Building and projecting not more than 3 ft. from the side of the Building, and located at least 8 ft. above adjoining walkways and driveways.	Y	Y
3.	Air conditioning window or wall units not projecting more than 18 in.	Y	Y
4.	Sidewalks and driveways.	Y	Y
5.	Signs as permitted by the Sign regulations.	Y	N
6.	Fences, in compliance with this Code.	Y	Y
7.	Architectural entrance Structures on a Lot 1 acre or greater in area; or subdivision entrance signs at entrance roadways into subdivisions or planned developments containing 50 or more Lots.	Y	N
8.	Bay windows projecting not more than 3 ft., but not within 5 ft. of a Lot Line.	Y	Y
9.	Eaves, gutters, and attached chimneys, projecting not more than 24 in. into the Yard.	Y	Y
10.	Open entrances, stoops, and porches, when not covered, may project not more than 10 ft. from a Principal Building, and not more than 18 in. above grade.	Y	Y
11.	Sills, belt courses, cornices, and ornamental features of a Principal Building, projecting not more than 12 in.	Y	Y
12.	Steps, 4 ft. or less above grade, which are necessary for access to a permitted Building or for access to a Lot from a Street or public way.	Y	Y
13.	Mechanical equipment such as central air conditioning units, heat pumps solar collecting equipment, pool equipment, and backup generators.	N	Y
14.	Balconies not projecting more than 3½ feet into the Yard.	N	Y
15.	Open off-street Parking Spaces and Loading Spaces. <i>*See Table 2-216.1 and 2-216.2 for Parking Lot Setback Requirements.</i>	Y*	Y*
16.	Arbors, pergolas, trellises, playgrounds and playhouses, and clotheslines.	N	Y
17.	Satellite dishes, as permitted by this Chapter.	N	Y
18.	Swimming pools not located within 3 ft. of a Lot Line.	N/Y*	Y

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Table 2-176. 1: Allowed Yard Obstructions			
	Obstruction	Front and Street Side Yard	Side and Rear Yard
	<i>*Swimming pools are not permitted in a Front Yard, but may be located in a Street Side Yard.</i>		
19.	Access ramps for the disabled.	N	Y
20.	Subdivision Entrance Signs.	Y	N

Sec. 2-177. Visibility Obstructions.

The exceptions allowing obstructions in any Yard as contained in this Article are subject to the provisions of any other City ordinance relating to obstructions that interfere with visibility and the safe movement of motor vehicles or pedestrians.

Secs. 2-178—2-189. Reserved.

ARTICLE IV. SUPPLEMENTAL REGULATIONS: SATELLITE DISH ANTENNAS, FENCES, ACCESSORY BUILDINGS, DWELLING UNITS, AND HOME OCCUPATIONS

[Sec. 2-190. Satellite Dish Antennas.](#)

[Sec. 2-191. Fences.](#)

[Sec. 2-192. Accessory Structures.](#)

[Sec. 2-193. Regulations for Dwelling Units.](#)

[Sec. 2-194. Home Occupations.](#)

[Secs. 2-195—2-209. Reserved.](#)

Sec. 2-190. Satellite Dish Antennas.

- A. A Satellite Dish Antenna 1 meter or less in diameter is a permitted Accessory Use in any district.
- B. The following regulations apply to Satellite Dish Antennas in Nonresidential Districts:
 - 1. A Satellite Dish Antenna that is 2 meters or less in diameter is permitted as an Accessory Use.
 - 2. A ground-mounted Satellite Dish Antenna is a permitted Accessory Use in a Nonresidential District if it:
 - a. Is not more than 15 feet in Height; and
 - b. Is not located in a Front Yard or Street Side Yard.
- C. The following regulations apply to Satellite Dish Antennas in Residential Districts:
 - 1. A ground-mounted Satellite Dish Antenna is permitted as an Accessory Use if it:
 - a. Is not more than 15 feet in Height;
 - b. Is located in the Rear Yard;
 - c. Is set back a minimum of 10 feet from all Lot Lines; and
 - d. Has all cables and lines located underground.
 - 2. A roof-mounted Satellite Dish Antenna is a permitted Accessory Use in a Residential District if it does not extend more than 5 feet above the peak of the roof surface and is not located on the part of the roof facing a Street.

Sec. 2-191. Fences.

- A. In the R-1, R-1Z, HR-1 and MUC zoning districts, Fences in a Front Yard may not exceed 4 feet in Height nor be placed as to violate any sight distance requirements of the Code of Ordinances.
- B. In the R-1E and R-1R zoning districts, Fences in a Front Yard may not exceed 8 feet in Height nor be placed as to violate any sight distance requirements of the Code of Ordinances.
- C. Fences made of wire are not permitted in the Front Yard of any zoning district, unless the Fence is a replacement or repair of an existing wire Fence. Except in the M-1 and M-2 zoning districts, Fences made of wire are not permitted within any Street Side Yard, unless the Fence is a replacement or repair of an existing wire Fence.
- D. Barbed wire is only permitted in the M-1 and M-2 districts on fences along the Rear and Side Yard and wires containing such barbs must be located not less than 6 feet above ground level. Fences located within 200 feet of a residential zoning district shall not contain barbed wire. Fences containing barbed wire may not exceed 8 feet in Height. Razor wire is prohibited.

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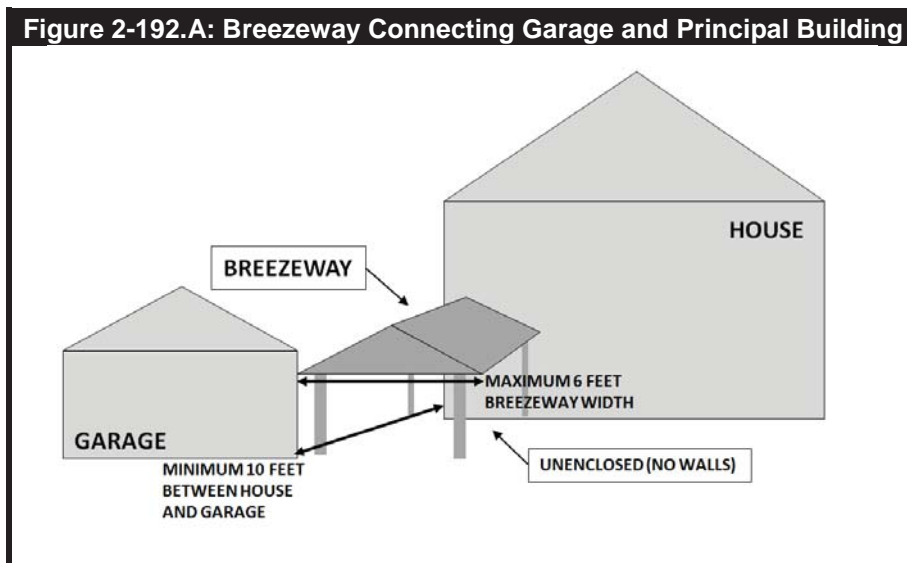
ARTICLE IV. SUPPLEMENTAL REGULATIONS

Sec. 2-192. Accessory Structures.

- A. Accessory Structures are subject to the same regulations as apply to Principal Buildings in each district, except as otherwise specified in this Section.
- B. An Accessory Structure must not be established on any Lot prior to the establishment of the Principal Building.
- C. An Accessory Structure must comply with Front and Street Side Yard setbacks.
- D. Accessory Structures must not be located within a parking lot setback as identified in Article V: Off Street Parking and Loading Regulations.
- E. In Nonresidential Districts, Accessory Structures must not be more than 20 feet in height as measured from finished grade to the highest point of the Structure.
- F. In Residential Districts, Accessory Structures must comply with the following additional regulations:
 - 1. An Accessory Structure must comply with Rear and Side Yard setbacks with the following exception.

An Accessory Structure may be located up to 5 feet from any Rear or Side Lot Line if the structure meets the following requirements:

- a. It has a maximum height of 1 ½ stories, but no more than 20 feet as measured from finished grade to the highest point of the Structure;
- b. It does not have a Rear Lot Line facing balcony or window above the first story;
- c. It is Detached and located at least 10 feet from the Principal Building; and
- d. It may be connected by a Breezeway to the Principal Building if the following requirements are met (See Figure 2-192.A):
 - (1) The Accessory Structure is located at least 10 feet from the Principal Building;
 - (2) The Breezeway is unenclosed; and
 - (3) The Breezeway is not wider than 6 feet as measured from edge-of-eave to edge-of-eave.



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2. The total square footage of all Accessory Structures located in a required Rear Yard shall not be larger than:
 - a. R-1E district: 1,563 square feet or 25% of the required Rear Yard, whichever is greater
 - b. R-1R district: 563 square feet or 25% of the required Rear Yard, whichever is greater
 - c. R-1 district: 225 square feet or 25% of the required Rear Yard, whichever is greater
 - d. HR-1 district: 225 square feet or 25% of the required Rear Yard, whichever is greater
 - e. R-1Z district: 125 square feet or 25% of the required Rear Yard, whichever is greater
 - f. R-2 district: 500 square feet or 25% of the required Rear Yard, whichever is greater
 - g. R-3 & R-4 district: 25% of the required Rear Yard
3. *Sheds.* Lots 6,600 square feet or less may have a shed that is up to 200 square feet. Lots greater than 6,600 square feet may have a shed that does not exceed 3% of the lot area. If more than 1 shed is provided, this requirement applies to the total square feet of all sheds.
4. *Private Garage or Carport.* Lots 6,000 square feet or less may have a Private Garage or Carport that is up to 600 square feet. Lots greater than 6,000 square feet may have a Private Garage or Carport that does not exceed 10% of the Lot area. If more than 1 garage is provided, this requirement applies to the total square feet of all garages.
5. *Special Provisions for Detached Private Garages in the HR-1 District.* The following Special Provisions for detached Private Garages in the HR-1 District supersede other height, Side and Rear Yard regulations in this Section. Detached Private Garages located in the HR-1 zoning district must comply with the following:
 - a. Have a maximum height of 2 stories, and be no more than 27 feet in height as measured from finished grade to the highest point of the Structure;
 - b. Be located at least 1 ½ feet from any Rear or Side Lot Line.
6. *Special Provisions for Accessory Dwelling Units.* A single-family Detached Dwelling located in a R-1, R-1R, R-1E, HR-1 or MUC zoning district may provide for an additional Dwelling Unit as accessory quarters located in the Principal Building or as part of a Detached garage, if:
 - a. The accessory quarters does not contain more than 600 square feet of Living Space, and
 - b. The occupant or occupants do not pay compensation for the use of the accessory quarters.

Sec. 2-193. Regulations for Dwelling Units.

- A. Except as otherwise provided for in these regulations, it is unlawful to:
 1. Construct or locate more than 1 Single-Family Detached Dwelling or more than 1 Two-Family Dwelling on 1 platted Lot; or
 2. Cause or allow a Dwelling Unit to be permanently occupied by more than 1 Family at any one time. For the purposes of this provision a Family is permanently occupying the premises if the Family continuously occupies the Dwelling Unit for more than 30 consecutive days.
- B. Except as otherwise provided for in these regulations, a Dwelling Unit may not:
 1. Have more than 1 interior kitchen (Outdoor Kitchens are permitted);
 2. Contain a room or rooms that are not accessible from the remainder of the interior of the Dwelling Unit; and

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3. Be served by more than 1 water meter (except irrigation meters) or electric meter.
- C. Each single-family detached Dwelling Unit must meet the following requirements:
 1. It must have only 1 entry opening upon a Front Yard;
 2. Persons occupying the Dwelling Unit must have access to all areas of the Lot upon which the Dwelling is located; and
 3. The family occupying the Dwelling Unit may not lease or rent any portion of the Dwelling to another person.

(Ord. No. 1645, § 4, 10-2-07)

Sec. 2-194. Home Occupations.

- A. A Home Occupation is only permitted as an Accessory Use in a residential Dwelling Unit if it meets the following conditions:
 1. It is conducted wholly within the Principal Building;
 2. It is not conducted within a Private Garage, whether attached or Detached;
 3. It does not depend on the employment of a person who does not reside in the residence;
 4. A separate entrance is not provided for the conduct of the occupation;
 5. An alteration is not made in the Dwelling Unit that changes its character as a Dwelling Unit;
 6. It does not use outdoor storage;
 7. It does not involve more than 300 square feet of the area of the Dwelling Unit;
 8. A Sign Advertising the Home Occupation is not located on the Premises;
 9. It does not require the delivery or shipment of merchandise, goods, or equipment by other than passenger motor vehicles, ¾ ton step-up van or similar sized trucks;
 10. It does not create or cause any perceptible noise, odor, smoke, electrical interference or vibrations to emanate from the Premises; and
 11. It is conducted so that it does not create parking or traffic congestion or otherwise place an undue burden on the abutting or adjoining neighbors or the immediate neighborhood.

Secs. 2-195—2-209. Reserved.

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ARTICLE V. OFF-STREET VEHICLE AND BICYCLE PARKING AND LOADING REGULATIONS

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[Sec. 2-211. Construction Standards.](#)

[Sec. 2-212. Off-Street Parking Spaces and Maneuvering Space.](#)

[Sec. 2-213. Rules for Computing Number of Parking Spaces.](#)

[Sec. 2-214. Location of Parking Spaces.](#)

[Sec. 2-215. Accessible Parking Spaces for Disabled People.](#)

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[Sec. 2-219. Parking Areas for Single and Two-Family Residential Dwellings.](#)

[Sec. 2-220. Off-Street Parking Schedule.](#)

[Sec. 2-221. Off-Street Loading Requirements.](#)

[Sec. 2-222. Bicycle Parking Requirements](#)

[Sec. 2-223. Pedestrian Walkway Connections from Public Right-of-Way to Building Entrance](#)

[Secs. 2-224 – 2-229. Reserved.](#)

Sec. 2-210. General Requirements.

- A. In all districts, for every use, there must be provided at the time any Building or Structure is erected, enlarged, or increased in capacity an off-street Parking Lot in compliance with this Article.
- B. A required Certificate of Occupancy will not be issued for any premises that does not comply with the requirements of this Article.
- C. Except as otherwise provided herein, all Parking Lots must be on the same premises as the use being served.
- D. Nothing in this Article shall require additional parking spaces to be furnished for an existing Building that is repaired, altered, maintained, or modernized, where no structural alterations are made and the size of the Building is not increased.
- E. For existing Buildings that are enlarged, additional parking spaces shall be required for the enlarged portion only.
- F. When the occupancy of any Building is changed to another use, parking shall be provided to meet the requirements of this Article for the new use.
- G. Where off-street parking is required, a plan showing the location and arrangement of spaces shall be submitted with the Site Plan Package to the Director. Any future changes in parking arrangements must be submitted to the Director with a revised Site Plan Package.

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Sec. 2-211. Construction Standards.

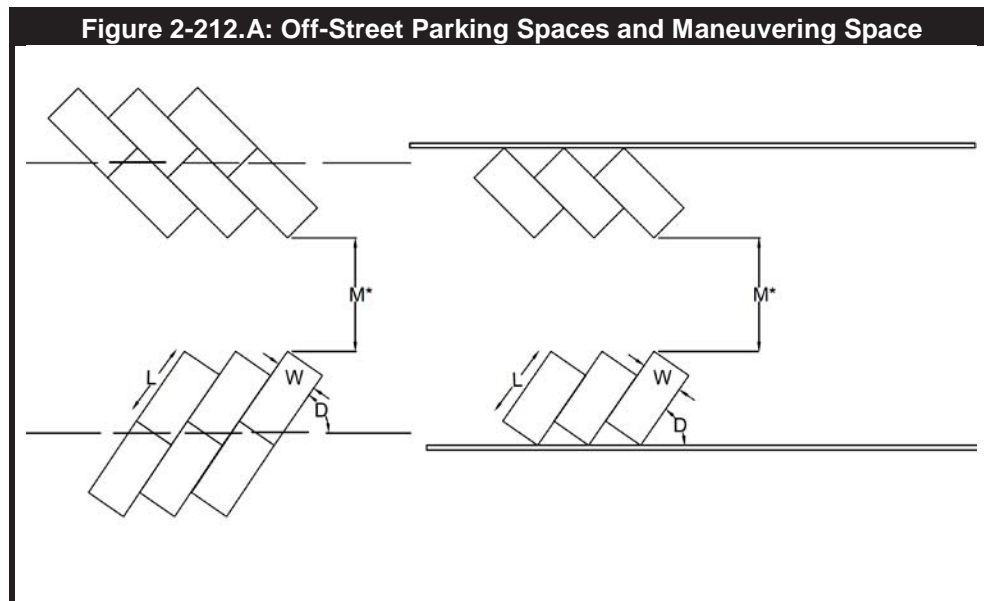
All off-street parking and loading areas, maneuvering aisles, and access ways to any off-street parking or loading areas must be constructed and paved with concrete or asphalt in accordance with the Design Standards.

Sec. 2-212. Off-Street Parking Spaces and Maneuvering Space.

- A. The Parking Spaces and Maneuvering Areas in all Parking Lots must meet the following minimum requirements:

Table 2-212.1: Minimum Requirements for Off-Street Parking Spaces and Maneuvering Space				
	Parking Space (ft.)		Maneuvering Area Width (ft.) (M)*	
Parking Angle (D)	Length (L)	Width (W)	One-way maneuvering	Two-way maneuvering
90°	18	9	24	24
60°	17	9	20	24
45°	16	9	18	24
Compact Parking Spaces:	15	8.5	23	24
Parallel parking space	22	8	18	24

* Fire lanes must meet the minimum maneuvering width specified in the City's fire code.



- B. Parking spaces, except parallel parking spaces, adjacent to landscape areas may project into the landscape area and be reduced by 2 feet in length when separated from the Landscaped Area by curbing or approved wheel stops.

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C. Compact Parking Spaces must:

1. Be located only in Parking Garages;
2. Not exceed 20% of the total number of Parking Spaces;
3. Be located in groups of at least 5 contiguous spaces; and
4. Be clearly marked as compact Parking Spaces.

Sec. 2-213. Rules for Computing Number of Parking Spaces.

In computing the number of Parking Spaces required for each of the uses as shown in the off-street Parking Schedule, the following rules govern:

- A. Whenever a Building or use is changed so that there is an increase in Floor Area, the number of employees, the number of Dwelling Units, the seating capacity of the Building, or similar change, additional Parking Spaces must be provided on the basis of the enlargement or change. Whenever a Building or use existing prior to July 21, 2015 is enlarged in Floor Area or in the area used, the Building or use must comply with the parking requirements set forth herein.
- B. The Parking Space requirement for a use not specifically mentioned herein will be determined by the Director based on the most comparable use.
- C. Where fractional spaces result, the Parking Spaces required must be provided by calculating to the nearest whole number.
- D. The Director may approve areas for exemptions from parking calculations. Service areas provided exclusively for the occupants of a Building, including foyers, cafeterias/break rooms, auditoriums, gymnasiums/wellness rooms, mechanical rooms, stairwells and elevator shafts can be excluded from the calculation of Floor Area for determining required Parking Spaces if the Director determines these areas do not require parking capacity.
- E. For mixed uses on a parcel or lot, the Parking Spaces required must equal the sum of the requirements of the various uses computed separately.
- F. For Shopping Centers where Eating and Drinking Establishments occupy:
 1. Less than 50% of the gross square footage (not the primary use), parking is calculated at the Shopping Center ratio detailed in the Off-Street Parking Schedule in this Article.
 2. 50% or more of the gross square footage, parking is calculated at the Eating and Drinking Establishments ratio for the portion of the building occupied by the Eating and Drinking Establishment(s). For the remainder of the building, the Parking Spaces required must equal the sum of the requirements of the remaining uses computed separately.
- G. *Shared Parking*. Shared parking ratios shall be based on Urban Land Institute (ULI) Shared Parking methodology and Institute of Transportation Engineers (ITE) Parking Generation. Authorization by City Council in an approved Planned Development District is required for a site within a Planned Development District to utilize shared parking.

Sec. 2-214. Location of Parking Spaces.

All Parking Spaces required in this Article must be located on the same Lot with the Building or use served, except as follows:

1. Where an increase in the number of spaces is required by a change or enlargement of use or where the spaces are provided collectively or used jointly by 2 or more Buildings or establishments, the required spaces may be located within:

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- a. 300 feet from an institutional Building or
 - b. 500 feet from any other Building serving a Nonresidential Use;
2. Not more than 50% of the Parking Spaces required for theaters, bowling alleys, or eating and drinking establishments and not more than 80% of the Parking Spaces required for a church or school auditorium may be provided and used jointly;
 3. If the required Parking Spaces are not located on the same Lot with the Building or use served or are collectively or jointly provided and used, a written agreement assuring that the property will be retained for parking must be executed by the owners and submitted with the Site Plan Package.

Sec. 2-215. Accessible Parking Spaces for Disabled People.

- A. Parking Lots must designate Accessible Parking Spaces, in compliance with regulations set forth by the Texas Department of Licensing and Regulations (TDLR), for use of persons with disabilities (Accessible Spaces) as set forth below:

Table 2-215.1: Minimum Requirements for Accessible Spaces	
Total Parking Spaces	Minimum Number Of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of Total
1,001+	20 plus 1 for each 100 over 1,000

- B. One in every 8 accessible spaces, but not less than 1, must be served by an access aisle that is a minimum of 96 inches wide, and must be designated "van accessible." Accessible Parking spaces must be located in close proximity to the entrances of the Building or use served.

Sec. 2-216. Parking Lot Setbacks.

- A. The following regulations apply for Residential Districts:

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Table 2-216.1: Parking Lot Setback Requirements for Residential Districts

		ZONING DISTRICT							
REGULATION		R-1E	R-1R	R-1	HR-1	R-1Z	R-2	R-3	R-4
Minimum Parking Lot Setbacks	Front	50 ft.	30 ft.	30 ft.	30 ft.	30 ft.	25 ft.	25 ft.	25 ft.
	Street Side	50 ft.	30 ft.	30 ft.	30 ft.	30 ft.	25 ft.	25 ft.	25 ft.
	Side	30 ft.	25 ft.	25 ft.	25 ft.	25 ft.	8 ft.	8 ft.	8 ft.
	Rear	50 ft.	30 ft.	20 ft.	20 ft.	20 ft.	8 ft.	8 ft.	8 ft.

B. The following regulations apply for Nonresidential Districts:

Table 2-216.2: Parking Lot Setback Requirements for Nonresidential Districts

			ZONING DISTRICT				
REGULATION			B-O	B-1	B-2	M-1	M-2
Minimum Parking Lot Setbacks	Front		15 ft.	15 ft.	25 ft.	25 ft.	25 ft.
	Street Side		15 ft.	15 ft.	25 ft.	25 ft.	25 ft.
	Side	Adjacent to Nonresidential Use or Zone	See Chapter 2, Article XV, Landscape Regulations				
		Adjacent to Residential Use or Zone	20 ft.	20 ft.	20 ft.	30 ft.	30 ft.
	Rear	Adjacent to Nonresidential Use or Zone	See Chapter 2, Article XV, Landscape Regulations				
		Adjacent to Residential Use or Zone	20 ft.	20 ft.	20 ft.	30 ft.	30 ft.

Sec. 2-217. Parking Lot Lighting.

- A. All parking lots are required to be illuminated unless otherwise provided in this Chapter. The illumination may be provided through the use of light fixtures on either a pole or on a Building, or a combination of these methods. All lighting must direct light away from any adjoining or abutting Residential District or any Public Street. Additional provisions for lighting are located within Article XII, including the illumination intensity of lighting for parking lots based on activity levels.

Sec. 2-218. Landscaping and Screening.

Parking areas must be Landscaped in accordance with Article XV (Landscaping and Screening Regulations) in this Chapter.

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Sec. 2-219. Parking Areas for Single and Two-Family Residential Dwellings.

A driveway serving a Single or Two-Family Dwelling may not be located within 6 inches of an adjoining Lot Line unless it is a shared driveway serving 2 Premises.

Sec. 2-220. Off-Street Parking Schedule.

A. The minimum number of Parking Spaces required for various land uses are as set forth in the following Schedule:

Table 2-220.1: Off-Street Parking Schedule		
Land Use Classification	Required Spaces	Unit of Measurement
Single and Two Family Dwellings	2	Dwelling Unit
Multi-Family Dwellings and Townhouses:	1:5 plus	Dwelling Unit
<i>1 bedroom</i>	1.5:1	Dwelling Unit
<i>2 or more bedrooms</i>	2:1	Dwelling Unit
Commercial Uses not listed below	1:200 (minimum 5)	Square Feet
Eating and drinking establishments	1:100 plus 1:2	Square Feet Employees
Banks and Other Personal Services	1:200	Square Feet
Retail Sales - Furniture/Carpet or other showrooms	1:300	Square Feet
Shopping Centers:		
<i>Less than 400,000 Square Feet</i>	1:200	Square Feet
<i>400,001 to 600,000 Square Feet</i>	1:250	Square Feet
<i>Greater than 600,001 Square Feet</i>	1:300	Square Feet
Equipment Sales and Service or Wholesale Sales	1:300	Square Feet
Office Buildings	1:250	Square Feet
Industrial Buildings (manufacturing, research or testing):		
<i>Less than 25,000 Square Feet</i>	1:500	Square Feet
<i>25,000 Square Feet or greater</i>	1:500 plus 1:1,000	Square Feet (Office) Square Feet (Warehouse)
Warehouses:		
<i>Less than 25,000 Square Feet</i>	1:4,000 plus 1:1 (Minimum 5)	Square Feet (Warehouse) Employee
<i>25,000 Square Feet or greater</i>	1:2,000	Square Feet
Clubs or Lodges	1:200	Square Feet

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Table 2-220.1: Off-Street Parking Schedule		
Churches, Theaters, Auditoriums, Stadiums, and Other Assembly Halls	1:4 (With Fixed Seats)	Seats
	1:100 (Without Fixed Seats)	Square Feet
Mortuaries or Funeral Homes	1:4 plus	Seats
	1:2	Employees
Elementary and Middle Schools	1:20	Students
High Schools	1:4	Students
College or University	1:2	Students
Trade or Vocational School	1:1 plus	Students
	1:1	Employee
Country Club or Golf Course	1:4 plus	Members
	1:2	Employees
Hospitals	1:2 plus	Beds
	1:1	Employee
Medical clinic, health services facility	1:200	Square Feet
Nursing Homes (Personal Care Facilities)	1:4 plus	Beds
	1:1	Employee
Assisted Living Facility (limited care)	1:2 plus	Units
	1:1	Employee
Retirement Housing	0.8	Dwelling Unit
Hotels and Motels	1:1 plus	Guest Room
	1:2	Employees
Community Center, Library, Museum, Gallery	1:200 (Minimum 10)	Square Feet
Car Wash:		
<i>Full Service</i>	1:200 (Minimum 5)	Square Feet
<i>Self Service</i>	1:1 (Minimum 5)	Bays
Day Care Facilities	1:1 plus	Employee
	1:8	Students
Indoor activity center (e.g. rock climbing gym, bowling alley, bounce house, gym or fitness center)	1:350 plus	Square Feet
	1:2	Employees

- B. For buildings with multiple uses, the minimum number of Parking Spaces required shall be calculated based on the actual use of the Building or the sum of required parking for each use within the Building.
- C. Eating and drinking establishments in Town Square that also provide a place on private property for outdoor on-premises service adjacent to the establishment must provide additional off-street parking under the Off Street Parking Schedule (Table 2-220.1) applicable to eating and drinking

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establishments only for that portion of the outdoor service area that exceeds by more than 25% the square feet of the indoor dining area to which the off-street parking requirements apply.

(Ord. No. 1421, § 3, 12-2-03)

Sec. 2-221. Off-Street Loading Requirements.

Every premises that regularly receives or distributes materials or merchandise by motor vehicle from the premises must provide and maintain Loading Spaces as follows:

- A. In the M-1 and M-2 districts, 1 Loading Space for each 10,000 square feet, or fraction thereof, of Floor Area in the Building. Wholesale distribution and freight terminals must provide Loading Spaces in accordance with the requirements of a Conditional Use Permit.
- B. In the B-1 and B-2 districts, Loading Spaces shall be provided in accordance with the following:

Table 2-221.1: Off-Street Loading Requirements for B-1 and B-2 Zoning Districts	
Building Floor Area (sq. ft.)	Minimum Loading Spaces
10,000 to 40,000	1
Over 40,000 to 100,000	2
Over 100,000 to 160,000	3
Over 160,000 to 240,000	4
Over 240,000 to 320,000	5
Over 320,000 to 400,000	6
Over 400,000 to 490,000	7
Over 490,000 to 580,000	8
Over 580,000 to 670,000	9
Over 670,000 to 760,000	10
Over 760,000 to 950,000	11
Over 950,000	Add 1 additional loading space for each additional Building Floor Area of 90,000 or a fraction thereof.

- C. In the B-O District, 1 Loading Space for each 75,000 square feet of Floor Area, or portion thereof. If the Building provides 1 loading dock, then only 1 Loading Space is required. If the Building provides 2 loading docks, no Loading Spaces are required. For Buildings that contain more than 100,000 square feet of Floor Area, Loading Spaces must be provided in areas that are separate from primary parking areas. Loading Spaces, if required, must be no farther than 100 feet from an entrance to the Building.
- D. Each required Loading Space located in the M-1 and M-2 districts must be at least 12 feet wide and 35 feet in length. All other required Loading Spaces must be at least 12 feet wide and 18 feet in length. All required Loading Spaces must be designated by signs as Loading Spaces.
- E. Loading Spaces must be located on the same Building site on which the Structure for which they are provided is located. Access, Maneuvering Area, ramps, and other areas to serve a Loading Space may not be located as to make use of the Street for maneuvering.
- F. Loading Spaces must be constructed, maintained, and operated in accordance with City standards and must be maintained in good condition, free of weeds, dust, trash, and debris.

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- G. In Parking Lots that contain 500 or more Parking Spaces, separate circulation routes must be provided for truck and other vehicular traffic. The separated circulation route for truck traffic may not be used to provide Maneuvering Area for abutting Parking Spaces unless:
1. The Parking Spaces are designated only for employee parking;
 2. The Parking Spaces are located in the Rear Yard of the Building served; or
 3. The Maneuvering Area serving abutting Parking Spaces meets the following design standards:

Table 2-221.2: Off-Street Loading Requirements for Parking Lots Containing 500 or More Parking Spaces in B-1 and B-2 Zoning Districts

Parking Angle (degrees)	Maneuvering Area Minimum Width (feet)
90	30
60	26
45	24

- H. Loading Spaces may not be used to satisfy the space requirements for Parking Lots.
(Ord. No. 1242, §§ 1, 2, 5-23-00)

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Secs. 2-222. Bicycle Parking Requirements

A. Application.

1. Bicycle parking shall be provided for nonresidential, townhome, and multi-family developments where the submittal of a Site Plan Package is required and when the intensity or use of any Building, Structure or premises is increased through the addition of dwelling units, gross floor area, seating capacity or other units of measurement that requires additional automobile parking spaces.
2. The following nonresidential uses identified in the 1987 Standard Industrial Classification Manual are exempt from this Section:
 - a. Agriculture, forestry, fishing
 - b. Mining
 - c. Construction
 - d. Manufacturing,
 - e. Transportation, Communications, Electric, Gas, and Sanitary Service (except Local and Suburban Transit and Interurban Highway Passenger Transportation)
 - f. Wholesale Trade
 - g. Non-Classifiable Establishments:
 - (1) Adult Day-Care,
 - (2) Heliport/Helipad, and
 - (3) Storage Lots for Recreational Vehicles

B. Bicycle Parking Spaces Required. The number of bicycle parking spaces shall be provided in accordance with the following:

1. A minimum of 2 bicycle parking spaces shall be provided for all developments with nonresidential, townhome, and multifamily uses. Bicycle parking spaces may be provided using 1 or more bicycle racks.
2. Where fractional spaces result, the minimum required bicycle parking spaces must be provided by calculating to the nearest whole number.
3. For townhome and multifamily uses, the number of bicycle parking spaces must be 2.5% of the required automobile parking spaces. In no case shall more than 14 bicycle spaces be required.
4. For nonresidential uses, other than Health Care Facilities, the required minimum number of bicycle parking spaces is based on the automobile parking spaces required.
5. The minimum number of required bicycle parking spaces shall be provided according to the following schedule:

Table 2-222.1: Required Bicycle Parking for Nonresidential Uses	
Required automobile parking spaces	Minimum bicycle parking spaces required
1 to 20	2
121 to 200	4
201 to 300	7
301 to 1,000	10

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Table 2-222.1: Required Bicycle Parking for Nonresidential Uses

1,001 to 2,000	15
2,001 to 4,000	25
4,001 or greater	30

6. Bicycle parking for Health Care Facilities including hospitals, nursing homes, and assisted living facilities shall be calculated at 2.5% of the required employee automobile parking, up to a maximum of 30 required spaces. Where fractional spaces result, the minimum required bicycle parking spaces must be provided by calculating to the nearest whole number.

C. Location.

1. Bicycle parking shall be placed in visible locations near a Building's primary entrance. Bicycle parking shall be located as close as or closer than the nearest automobile parking space to the building entrance, other than those spaces for persons with disabilities. If the development includes multiple buildings or facilities, bicycle parking shall be distributed to maximize convenience and use. If the bicycle parking is located more than 50 feet from the public Right-of-Way, signage directing bicyclists to bicycle parking must be provided (see Figure 2-222.A).

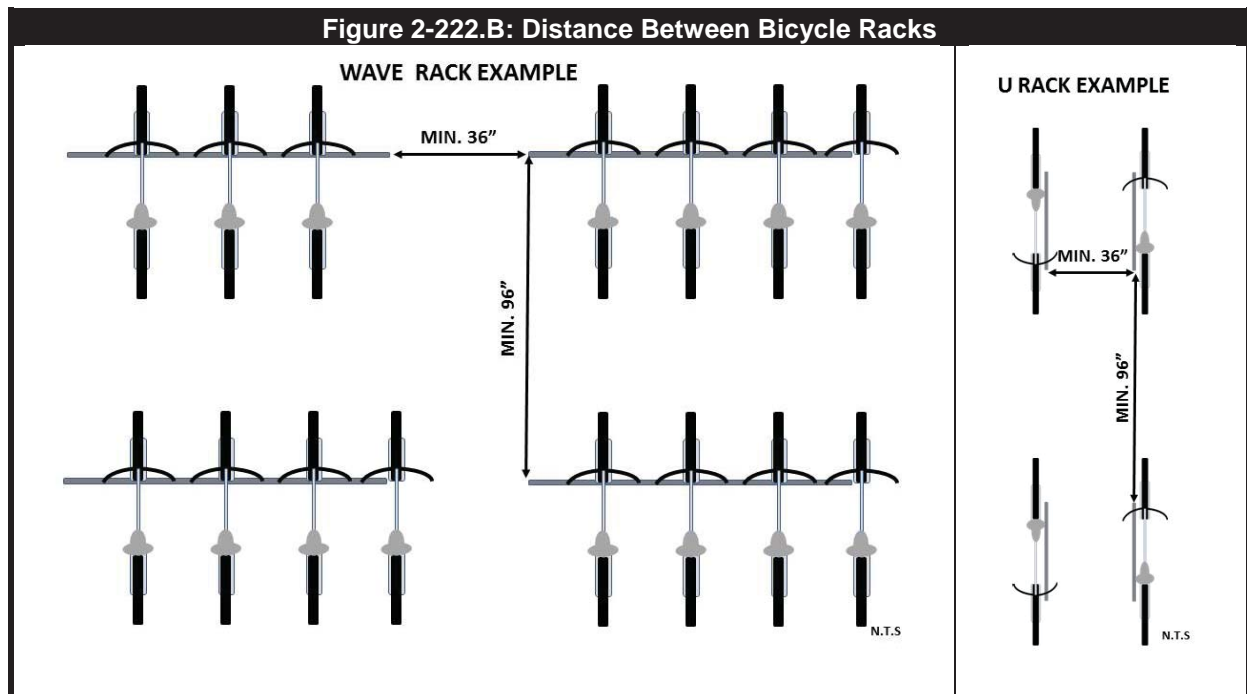
Figure 2-222.A: Bicycle Parking Sign (Source: MUTCD)



2. For townhome uses, bicycle parking shall be provided in a common area near the Dwelling Units and, where possible, located adjacent to guest parking spaces.
3. Bicycle parking facilities shall not interfere with any public pathway or walkway, including accessible paths of travel or accessible parking as required by the Americans with Disabilities Act.
4. Bicycle parking shall be sufficiently separated from automobile parking areas to protect parked bicycles from damage from motor vehicles. The separation may be accomplished through grade separation, distance, or physical barrier, such as curbs, wheel stops, poles or other similar features.
5. Bicycle racks must be located in highly visible and well-lit areas to minimize theft and vandalism.
6. If required bicycle parking is located inside a parking garage, bicycle parking must be located on the ground level.
7. Placement of bicycle parking racks is important to ensure access to the parking area and use of both sides of the rack. Measurements are made from the object to the nearest vertical component of a rack, and the following distance requirements apply (see Figures 2-222.B through F):

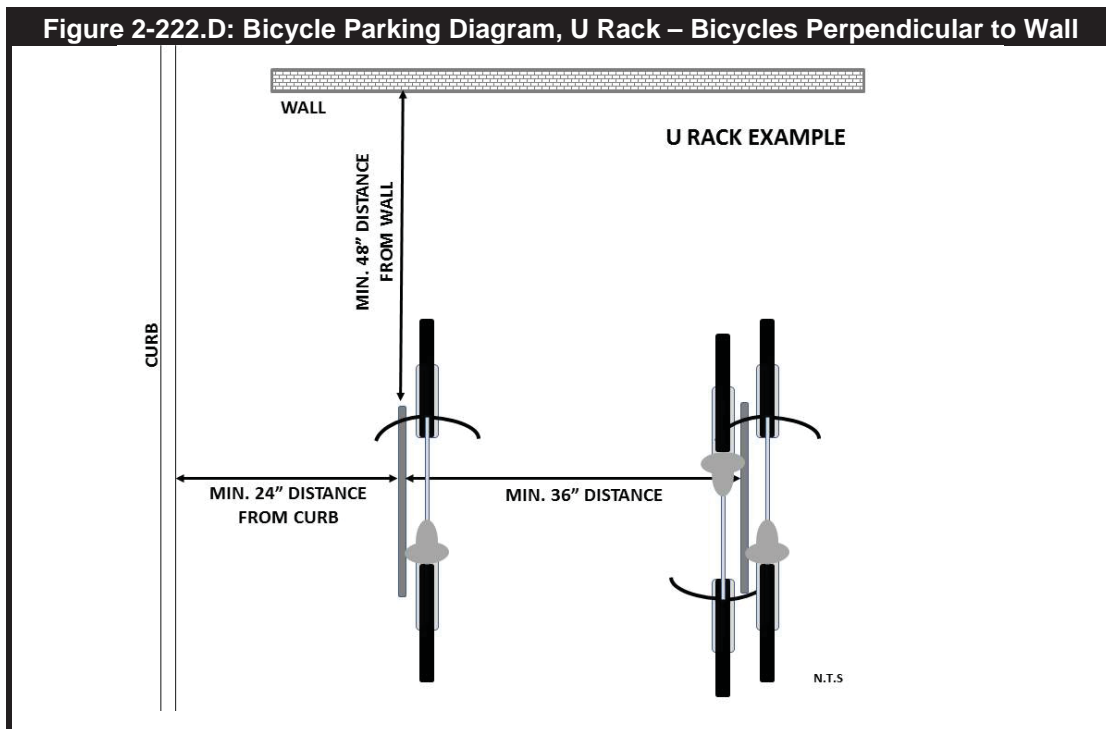
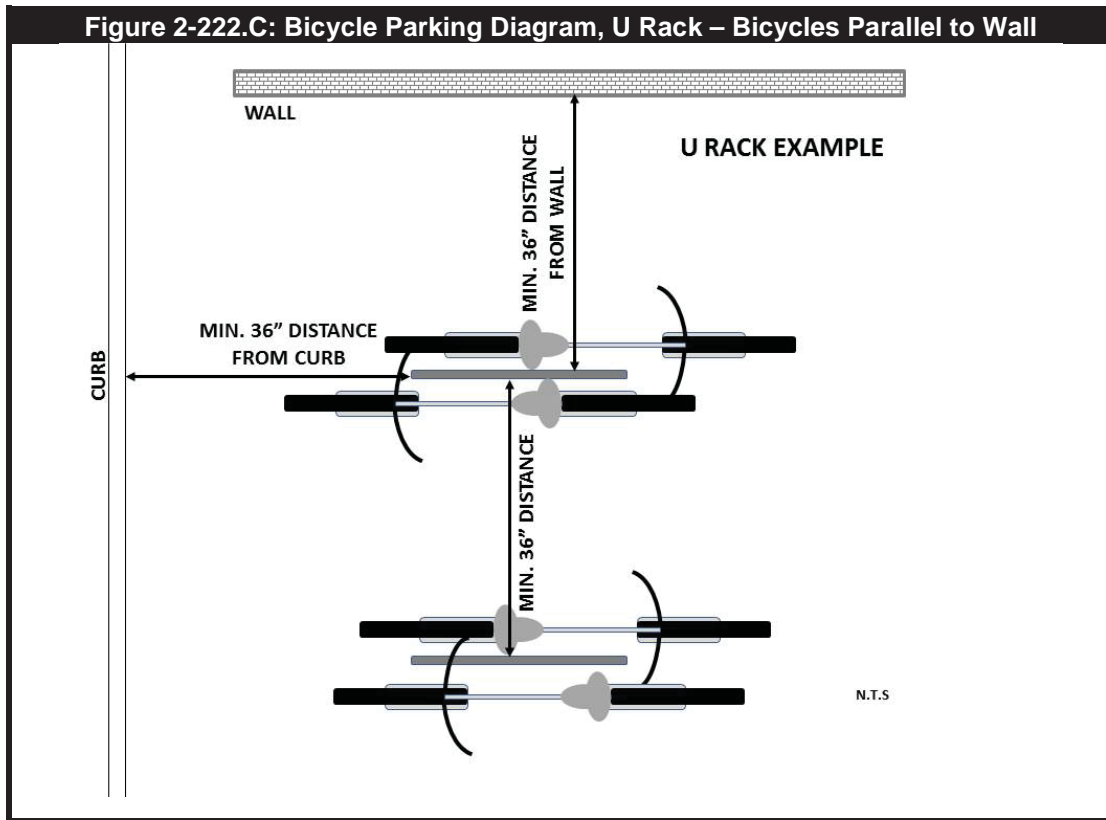
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- a. Distance to other racks (see Figure 2-222.B):
- 1) Rack units with bicycles aligned end-to-end must be placed a minimum of 96 inches apart.
 - 2) Rack units with bicycles aligned side-by-side must be placed a minimum of 36 inches apart.



- b. Distance from curb (see Figures 2-222.C through F):
- 1) Racks with bicycles located perpendicular to a curb should be a minimum of 36 inches from the back of curb.
 - 2) Racks with bicycles located parallel to a curb should be a minimum of 24 inches from the back of curb.
- c. Distance from wall (see Figures 2-222.C through F) :
- 1) Assuming access is needed from both sides, racks with bicycles located perpendicular to a wall should be a minimum of 48 inches from the wall. Where access is needed only from one side (not the wall side), racks should be a minimum of 36 inches from the wall.
 - 2) Racks with bicycles located parallel to a wall should be a minimum of 36 inches from the wall.

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Figure 2-222.E: Bicycle Parking Diagram, Wave Rack – Bicycles Parallel to Wall

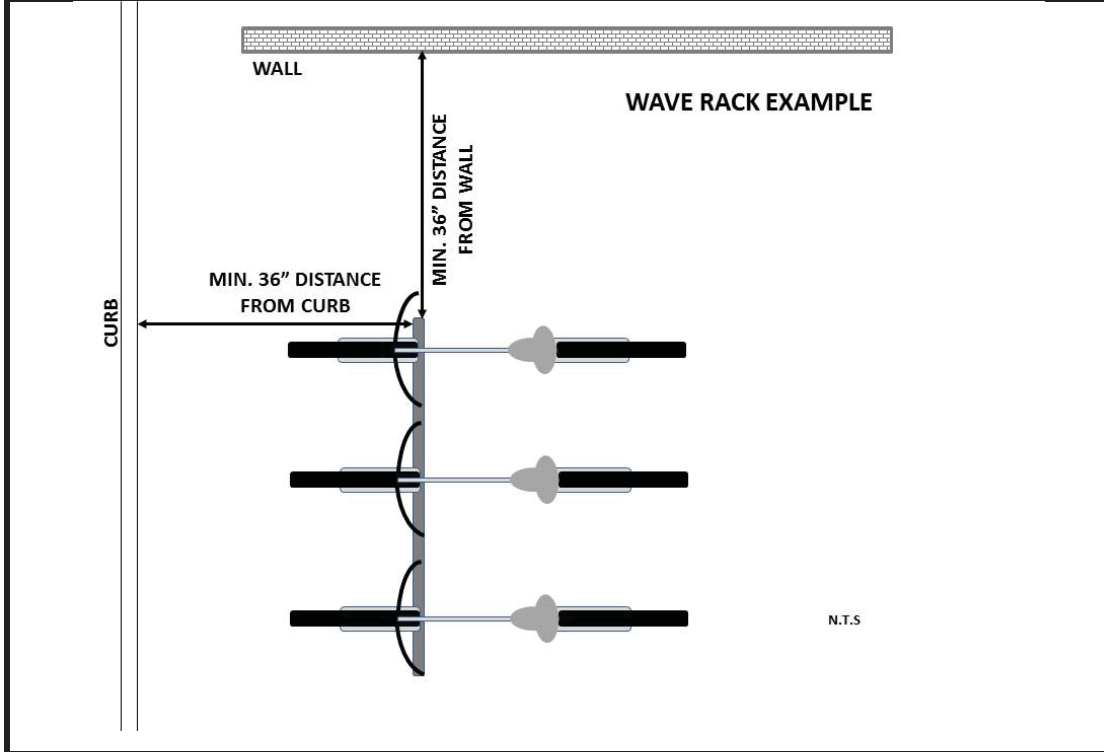
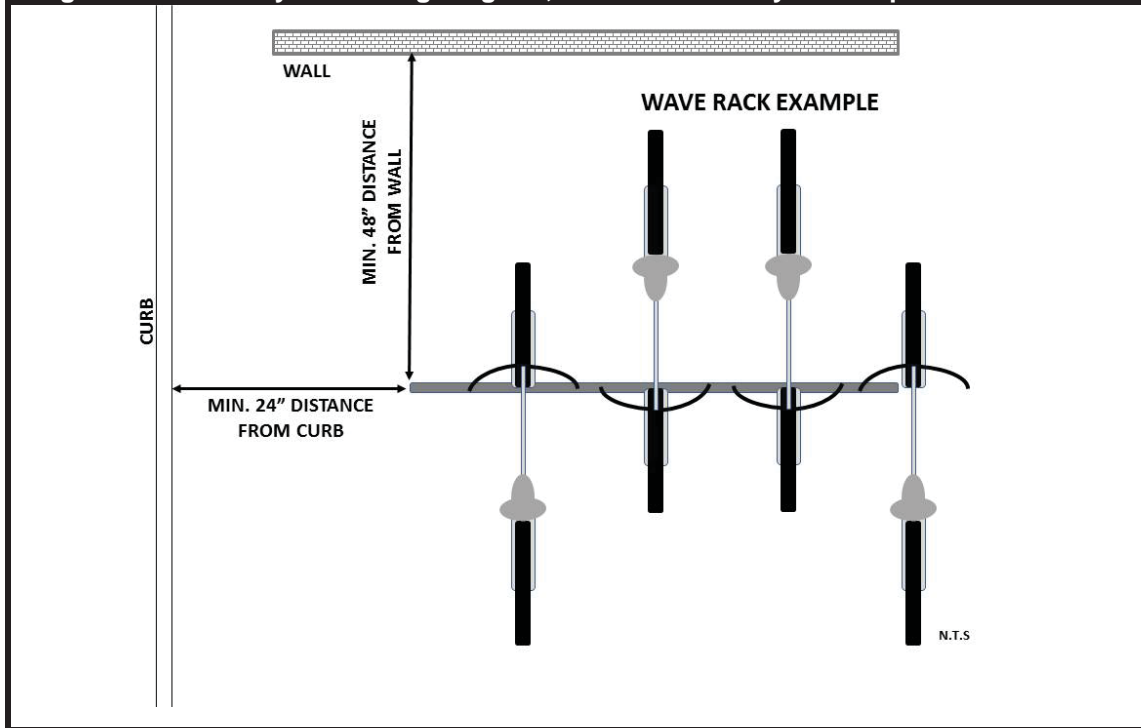


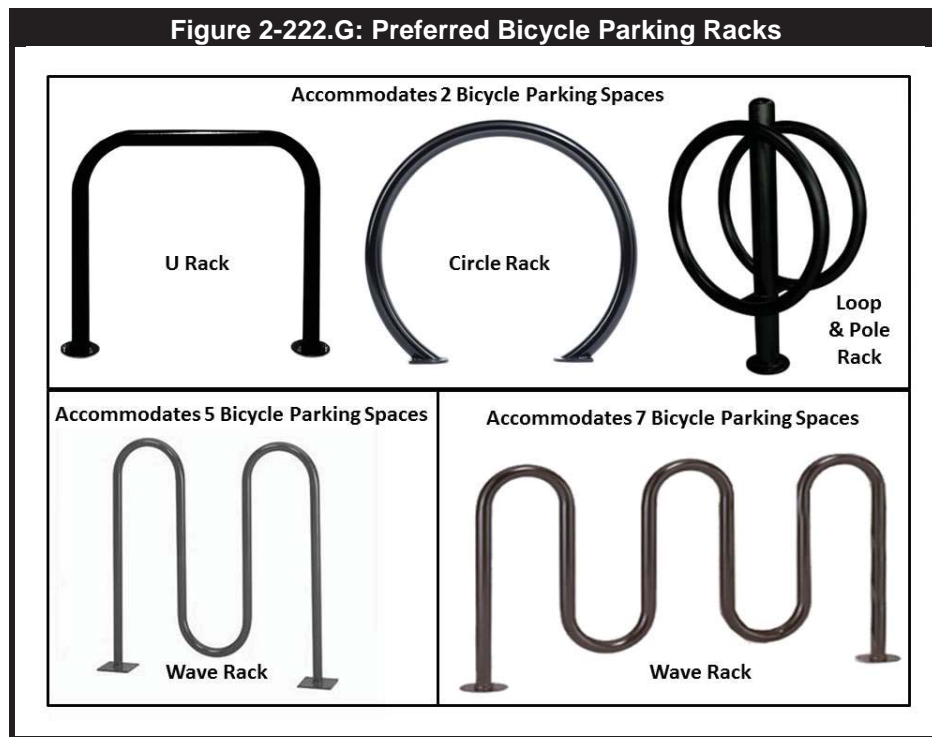
Figure 2-222.F: Bicycle Parking Diagram, Wave Rack – Bicycles Perpendicular to Wall



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D. *Bicycle Rack and Parking Space Design.*

1. Racks must be designed to accommodate “U”-shaped locking devices and support the bicycle horizontally, preferably in 2 places. Racks should accommodate locks securing the frame and one 1 or both wheels, preferably without removing the front wheel from the bicycle.
2. The racks should be constructed of durable materials to withstand permanent exposure to the elements, such as powder-coated metal or stainless steel.
3. Racks must be securely attached to concrete footings, a concrete sidewalk, or another comparably secure surface.
4. All bicycle parking spaces must be constructed of concrete, asphalt, pavers, or surface of similar durability or construction.
5. Racks must not include protruding elements or sharp edges.
6. Bicycle racks must be maintained in good condition.
7. Preferred bicycle racks include inverted U, circle, post and loop, and wave racks (see Figure 2-222.G). The Director may approve additional bicycle rack types, such as artistic bicycle parking racks, if they meet the requirements of this section.



8. School yard, dish, or comb-style racks are prohibited for the purposes of compliance with required bicycle parking(see Figure 2-222.H).

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Figure 2-222.H: Prohibited Bicycle Parking Rack (School Yard Rack)



- E. *Long Term Bicycle Parking.* Long-term bicycle parking facilities do not count towards required bicycle parking spaces. Long-term bicycle parking facilities may include bicycle storage lockers, secure bicycle lockers, bicycle storage rooms within a Building or parking garage, or other similar long-term facilities.

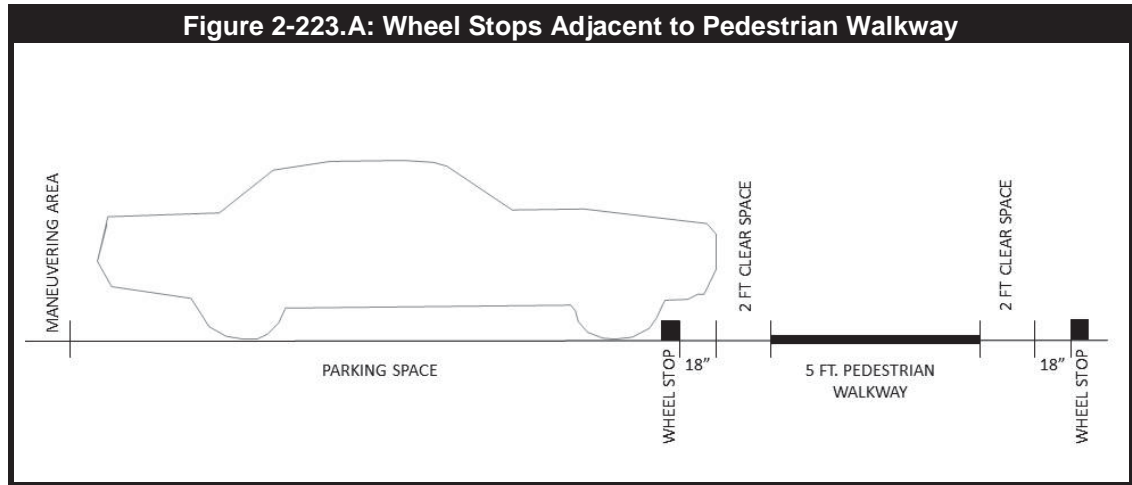
Sec. 2-223. Pedestrian Walkway Connections from Public Right-of-Way to Building Entrance

Pedestrian walkways provide a clear, safe path from the public sidewalk to the front entrance of a Building and may also provide a clear, safe path from parking areas within a parking lot to the front entrance of a Building. ADA accessible routes may be used to satisfy the requirement for pedestrian walkways if the route meets all requirements of this Section.

1. *Application.* Pedestrian walkways must be provided for all nonresidential, townhome, and multi-family developments where the submittal of a Site Plan Package is required.
2. *Design.* Pedestrian walkways must be a minimum of 5 feet wide. A minimum of 2 feet of clear space on either side of the walkway must be provided. Clear space may not include vertical obstructions such as trees, structures, walls fences or landscaping with a mature height above 18 inches.
3. *Number.* 1 pedestrian walkway must be provided for every 450 linear feet of each Street or Primary Access Easement frontage.
4. *Location.* Pedestrian walkways must be spaced, not clustered, to provide pedestrian access across the site. Required pedestrian walkways must extend to lots, reserves, or parcels without direct frontage on a street. Pedestrian walkways must not be located in areas of required parking, including in vehicular accessways, through required parking spaces or parking aisles; provided however, that pedestrian walkways may cross a parking aisle at a perpendicular angle, to complete the connection from the public Right-of-Way to building entrance.
5. *Pavement.* Pedestrian walkways must be paved with stamped concrete, colored pavers, or other masonry products differentiated from the driveway and parking areas through the use of color. Color shall be integral to the walkway pavement and shall not be painted onto the walkway surface.
6. *Shade trees.* Pedestrian walkways must be predominantly shaded with shade trees at 1 per 60 linear feet of walkway. Shade trees used to meet this requirement may also count towards required shade trees for parking lot landscaping.
7. *Vehicle intrusion.* Pedestrian walkways must be protected from vehicle intrusion by curbs or similar Structures. Where head-in parking is provided adjacent to a pedestrian walkway, wheel

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stops must be provided within parking spaces and placed a minimum of 18 inches from the required clear space area to prevent vehicles from extending into and obstructing the pedestrian walkway area (see Figure 2-223.A).



Sec. 2-224 —2-229. Reserved.

ARTICLE VI. NONCONFORMING USES

[Sec. 2-230. Alteration of Nonconforming Uses.](#)

[Sec. 2-231. Changing Nonconforming Uses.](#)

[Sec. 2-232. Repairs.](#)

[Sec. 2-233. Abandonment.](#)

[Secs. 2-234—2-249. Reserved.](#)

Sec. 2-230. Alteration of Nonconforming Buildings, Structures, Uses and Lots.

- A. A Nonconforming Structure may not be enlarged, changed, altered, or repaired, except as provided in this Article. This Article does not prohibit any change or alteration that would bring a Nonconforming Building into compliance with the zoning regulations.
- B. A Nonconforming Use of a Building may be extended throughout a completed Building that, when the use became nonconforming, was designated or arranged to accommodate the use, but the use may not be extended to additional Buildings or to land outside the Building.
- C. A Single-Family Detached Dwelling which is a Nonconforming Use may be enlarged or replaced with a larger Dwelling if the enlargement or replacement does not violate other zoning regulations applicable to the premises.
- D. If a Lot does not conform to the Lot dimensions applicable to that zoning district, the Lot may be used for any permitted use in that zoning district if all other zoning regulations are met, unless the nonconforming Lot adjoins and has continuous frontage with 1 or more other undeveloped Lots under the same ownership, so that the Lots could be replatted to conform to the requirements of the district. The latter requirement does not apply if combining the Lots would create a Lot that would be substantially out of character with surrounding Lots.

Sec. 2-231. Changing Nonconforming Uses.

The Director may grant a request for a change of occupancy from one Nonconforming Use to another Nonconforming Use, but only if the use is a permitted use in a zoning district that is more restrictive than the district in which the original Nonconforming Use is located.

Sec. 2-232. Repairs.

If a nonconforming Building or Structure is so deteriorated or dilapidated or damaged by fire, explosion, a natural disaster, or act of God so that repairs or restoration of the Building or Structure would cost more than 50% of the replacement cost of the entire Building or Structure, the Building or Structure may not be rebuilt or repaired, but must be demolished and removed from the premises.

Sec. 2-233. Abandonment.

When a Nonconforming Use is abandoned, the property must only be used thereafter in compliance with these zoning regulations. A use is considered abandoned if the facts show the owner's intent to discontinue the use or activity and the discontinuance of the use continues for 6 or more continuous months. This section does not apply to abandoned towers which are governed by Article VII, Telecommunication Towers and Antennas.

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ARTICLE VI. NONCONFORMING USES

Secs. 2-234—2-249. Reserved.

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ARTICLE VII. TELECOMMUNICATION TOWERS AND ANTENNAS

ARTICLE VII. TELECOMMUNICATION TOWERS AND ANTENNAS

[Sec. 2-250. Purpose.](#)

[Sec. 2-251. Application, Exemptions, and Conflicts.](#)

[Sec. 2-252. Conditional Use Permit Required.](#)

[Sec. 2-253. Application Procedures.](#)

[Sec. 2-254. General Requirements and Regulations.](#)

[Sec. 2-255. Visual Impacts.](#)

[Sec. 2-256. Principal, Accessory, and Joint Uses.](#)

[Sec. 2-257. Shared Use.](#)

[Sec. 2-258. Abandoned Towers.](#)

[Sec. 2-259. Pre-Existing Towers and Non-Conforming Uses.](#)

[Sec. 2-260. Public Property.](#)

[Secs. 2-261—2-269. Reserved.](#)

Sec. 2-250. Purpose.

These regulations are primarily intended to maximize the use of new and existing towers to prevent the proliferation of unnecessary towers and to minimize the adverse visual impacts of towers and antennas through design, siting, landscaping and screening requirements.

Sec. 2-251. Application, Exemptions, and Conflicts.

- A. This Article applies to Towers and Antennas located in any zoning district.
- B. This Article does not apply to:
 - 1. A receive-only home television Antenna;
 - 2. A Satellite Dish Antenna that is a permitted accessory use as provided in this Chapter; or
 - 3. A tower less than 50 feet in height that is used as an Amateur Radio Station.
- C. The application provisions of this Article do not apply to an Amateur Radio Station Tower of 50 feet or more in height, but the Director may require the applicant to submit information on the height, location, and the manufacturer's drawings and specifications for the Tower, or any other information as necessary to determine whether a Conditional Use Permit should be granted as required by this Article.
- D. Any regulations relating to the Height of a Tower, Alternate Tower Structure, or Antenna contained in the Article, controls over any conflicting provision of any other provision of these zoning regulations not contained in this Article.

Sec. 2-252. Conditional Use Permit Required.

- A. A Tower or Antenna is only permitted to be constructed or erected in the M-1, M-2, and B-2 districts with an approved Conditional Use Permit, except as otherwise provided in this Section. Tower and Antennas are prohibited in all other districts, except as otherwise provided in this Section. The

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procedures of this Article relating to the application, processing, and determination of whether to grant a Conditional Use Permit, are in addition to any other provisions and requirements contained in other articles of these zoning regulations relating to Conditional Use Permits.

- B. Rooftop mounted Towers and Antennas may be located on any Buildings serving a Nonresidential Use and on an Alternative Tower Structure, as defined in Chapter 10, without obtaining a Conditional Use Permit, if:
 - 1. The Structure, other than a Tower on which the Tower or Antenna will be placed, exceeds 50 feet in Height;
 - 2. The Tower and Antenna will add no more than 20 feet total to the Height of the existing Structure;
 - 3. The Tower or Antenna does not contain Advertising; and
 - 4. It complies with the lighting regulations for Towers as specified in this Article.
- C. The effects of radio frequency emissions on persons or the environment may not be considered in a proceeding involving an application for a Conditional Use Permit.
- D. The following procedures will be followed by the City Council in considering an application for a Conditional Use Permit:
 - 1. After the close of the public hearing, any council member making a motion to deny the application and any council member seconding the motion of denial will state his or her reasons for making the motion or seconding the motion for denial;
 - 2. Before the vote is called, any council member proposing to vote in favor of the motion of denial must state his or her reasons for supporting the motion;
 - 3. If the Council votes to deny the application for the Conditional Use Permit, the City Attorney will prepare a proposed written decision for the City Council to consider at a following meeting. The proposed decision must include a written record of the evidence received by the Council relevant to the Council's decision. The decision to deny the application is not final until the Council adopts a written decision.

Sec. 2-253. Application Procedures.

An application for a Conditional Use Permit for a Tower, Antenna, or use of an Alternative Tower Structure must be made to the Director. An application will not be considered until it is complete. A complete application must contain the following:

- A. An inventory of the applicant's existing Towers that are either within the City or within 1 mile of the corporate limits, specifying the location, Height, and design of each tower. The Director may share the information with other applicants for a Conditional Use Permit under this Article.
- B. Site plans to scale specifying the location of tower(s), transmission Building and other Accessory Uses, street access, parking, Fences, Landscaped Areas, and adjacent land uses.
- C. A report from a professional structural engineer licensed in the State of Texas documenting the following:
 - 1. Tower Height and design, showing a cross-section of the Tower Structure.
 - 2. Total anticipated capacity of the Tower Structure, including the number and types of Antennas which can be accommodated.
- D. A letter of intent to lease excess space on the Tower and to lease additional excess land on the Tower site when the shared use potential of the Tower is absorbed, if structurally and technically possible.

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- E. Each applicant must make a good faith effort to substantially demonstrate that no existing Towers could accommodate the applicant's proposed Antenna by doing the following:
1. The applicant must contact the owners of all existing Towers of a Height roughly equal to or greater than the Height of the Tower proposed by the applicant. A list must be provided of all owners contacted, the date of the contact, and the form and content of the contact. Where an existing Tower is known to have capacity for additional Antennas of the sort proposed, that application for a new Tower is not complete until the owner of the existing Tower responds, unless the applicant submits sufficient information for the Director to determine that all reasonable efforts to obtain a response have been made and further efforts would be futile.
 2. The applicant must request the following information from each Tower owner contacted:
 - a. Identification of the site by location, existing uses, and Tower Height.
 - b. Whether each Tower could structurally accommodate the Antenna proposed by the applicant without requiring structural changes be made to the Tower. To enable the owner to respond, the applicant must provide each owner with the Height, length, weight, and other relevant data about the proposed Antenna.
 - c. Whether each Tower could structurally accommodate the proposed Antenna if structural changes were made, not including totally rebuilding the Tower. If so, the owner must specify in general terms what structural changes would be required.
 - d. If structurally able, shared use by the existing Tower would be precluded for reasons related to RF interference. If so, the owner must describe in general terms what changes in either the existing or proposed antenna would be required to accommodate the proposed Tower, if at all.
 3. The Director must maintain and provide, on request, records of responses from each owner. Once an owner demonstrates an Antenna of the sort proposed by the applicant cannot be accommodated on the owner's Tower as described below, the owner need not be contacted by future applicants for Antennas of the sort proposed.
 4. Shared use is not precluded simply because a reasonable fee for shared use is charged, or because of reasonable costs necessary to adapt the existing and proposed uses to a shared Tower. The Director and the City Council may consider expert testimony to determine whether the fee and costs are reasonable. Costs exceeding new Tower development are presumed unreasonable.
- F. Any other information which may be requested by the Director to fully evaluate and review the application and the potential impact of a proposed Tower or Antenna.

Sec. 2-254. General Requirements and Regulations.

- A. No Advertising is permitted on an Antenna or Tower.
- B. No Signs or illumination are to be placed on an antenna or Tower unless required by the FCC, FAA or other state or federal agency of competent jurisdiction. The Director may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding uses and views.
- C. A new cell may not be established if there is a technically suitable space available on an existing Tower within the search area that the new cell is to serve. For the purpose of this Article, the search area is defined as the grid for the placement of the Antenna.
- D. A Tower may not be located in a required Yard.

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- E. All free-standing Towers (not mounted on rooftops or Alternative Tower Structures) must conform to the following minimum Tower separation requirements:

Table 2-254.1: Minimum Tower Separation Requirements				
TOWER HEIGHT	<50 feet	50-100 ft.	101-150 ft.	>150 feet
<50 ft.	300 ft.	500 ft.	750 ft.	1,000 ft.
50-100 ft.	500 ft.	750 ft.	1,000 ft.	1,500 ft.
101-150 ft.	750 ft.	1,000 ft.	1,500 ft.	2,000 ft.
>150 ft.	1,000 ft.	1,500 ft.	2,000 ft.	2,500 ft.

Sec. 2-255. Visual Impacts.

- A. Towers must either maintain a galvanized steel finish or, subject to any applicable standards of the FAA or other applicable federal or state agency, be painted a neutral color, so as to reduce visual obtrusiveness.
- B. At a Tower site the design of the Building and related Structures must use materials, colors, textures, screening, and landscaping that will blend the Tower and facilities to the natural setting and built environment.
- C. If an Antenna is installed on a Structure other than a Tower, the Antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting Structure so as to make the Antenna and related equipment as visually unobtrusive as possible.
- D. Towers clustered at the same site must be of similar Height and design.
- E. Towers must be the minimum Height necessary to provide parity with existing similar Tower supported Antenna, and must be freestanding where the negative visual effect is less than would be created by use of a guyed Tower.

Sec. 2-256. Principal, Accessory, and Joint Uses.

- A. Accessory Structures used in direct support of a Tower are allowed but may not be used for offices, vehicle storage or other outdoor storage. Mobile or immobile equipment not used in direct support of a Tower shall not be stored or parked on the site of the Tower, unless repairs to the Tower are being made.
- B. Towers may be located on sites containing another principal use in the same buildable area. Towers may occupy a premises meeting the minimum Lot size requirements for the zoning district in which it is located. For a monopole tower, the minimum distance between the Tower and any other principal use located on the same Lot shall be 20% of the Tower Height or 25 feet, whichever is greater.
- C. Placement of more than 1 Tower on a Lot is permitted, provided all Setback, design and landscape requirements are met for each Tower. Structures may be located as close to each other as technically feasible, provided Tower failure characteristics of the Towers on the site will not lead to multiple failures in the event that 1 fails.

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Sec. 2-257. Shared Use.

- A. To encourage shared use of Towers, no Building permit or Conditional Use Permit is required for the addition of antennas to an existing Tower so long as the Height of the Tower or structure on which the Antenna is placed is not increased and the requirements of this Article are met.
- B. Any Conditional Use Permit which is granted for a new Tower is specifically subject to the condition that the Tower owner abide by the following provisions relating to shared use, regardless of whether or not the ordinance granting the permit contains the conditions:
 - 1. The Tower owner must respond in a timely, comprehensive manner to a request for information from a potential shared use applicant;
 - 2. The Tower owner must negotiate in good faith for shared use by third parties; and
 - 3. The Tower owner must allow shared use where the third party seeking the use agrees in writing to pay reasonable, pro rata charges for sharing, including all charges necessary to make modifications of the Tower and transmitters to accommodate the shared use, and to observe whatever technical requirements are necessary to allow shared use without creating interference.
- C. The willful failure of an owner whose Tower was approved under this Article to comply with the requirements of this Section is grounds for withholding approval of any application by the owner for a building permit for the approved Tower, for revoking the Conditional Use Permit granted for the Tower, and for refusing to approve a new Conditional Use Permit for any new Tower or Antenna.

Sec. 2-258. Abandoned Towers.

- A. Any Antenna or Tower that is not operated for any continuous period of 12 months is deemed abandoned, whether or not the owner or operator intends to make use of the Tower. The owner of an abandoned Antenna or Tower and the owner of the property where the Tower is located must remove the Tower or Antenna. If the Antenna or Tower is not removed within 60 days of receipt of notice from the City ordering the removal, the City may remove the Tower or Antenna and place a lien upon the property for the costs of the removal.
- B. If the owner of an abandoned Tower or Antenna wishes to use the abandoned Tower or Antenna, the owner first must apply for and receive all applicable permits and meet all of the conditions of this Article as if the Tower or Antenna were a new Tower or Antenna.

Sec. 2-259. Pre-Existing Towers and Non-Conforming Uses.

All communications Towers operative prior to the July 21, 2015 of this Article, are allowed to continue their present usage as a lawful Nonconforming Use and are treated as a Nonconforming Use in accordance with the zoning regulations. Routine maintenance is permitted on the existing Towers. New construction other than routine maintenance on an existing communication Tower must comply with the requirements of this Article.

Sec. 2-260. Public Property.

Antennas or Towers located on property owned, leased or otherwise controlled by the City are exempt from the requirements of this Article.

Secs. 2-261—2-269. Reserved.

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ARTICLE VIII. MANUFACTURED HOME PARKS

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[Secs. 2-278—2-289. Reserved.](#)

Sec. 2-270. Site Development Regulations for Manufactured Home Parks.

A. A Manufactured Home Park must:

1. Contain at least 90,000 square feet of land and 20 Manufactured Home spaces;
2. Contain at least 4,500 square feet for each Manufactured Home Space;
3. Contain at least 300 square feet of Open Space for each Mobile Home, with at least 150 square feet being located on each Manufactured Home Space;
4. Have direct access to a Public Street with a width of at least 60 feet;
5. Have a minimum of 2.1 off-street Parking Spaces per Manufactured Home, at least one of which must be provided on each Manufactured Home Space;
6. Not contain any Structure with a Height of more than 35 feet; and
7. Have a solid Fence at least six feet high constructed and maintained along all boundaries of the Manufactured Home Park, except where the boundary of the Manufactured Home Park abuts a public Right-of-Way or another Manufactured Home Park.

B. Each Manufactured Home Space must:

1. Abut upon an internal street designed to permit movement of Manufactured Homes to and from each space; and
2. Have a minimum Front Yard of 25 feet and a minimum Side and Rear Yard of 15 feet.

C. A Manufactured Home may not be located in a required Yard and must be separated from every other Manufactured Home or Building by at least 10 feet. Required Front Yards must be Landscaped.

Sec. 2-271. Location of Manufactured Homes Other Than in Manufactured Home Park.

It is unlawful for any person to locate, maintain, or occupy a Manufactured Home in any place in the City other than in a Manufactured Home Park.

Sec. 2-272. Building Permit Required.

A. It is unlawful for any person to construct, alter, or extend any Manufactured Home Park within the City without first obtaining a valid building permit issued by the building official.

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- B. A permit will not be issued for construction or occupancy of a permanent Dwelling in any Manufactured Home Park, except that 1 existing residential Structure may be retained or 1 new residential Structure may be constructed for the occupancy of the owner or operator of the Park and an existing Dwelling may be converted to a clubhouse, community center, or service Building for use by the residents of the Manufactured Home Park.

Sec. 2-273. Site Requirements.

- A. The Manufactured Home stand may not heave, shift, or settle unevenly under the weight of the Manufactured Home due to frost action, inadequate drainage, vibration or other forces acting on the super-structure.
- B. Exposed ground surfaces in all parts of every Manufactured Home Park must be paved, covered with stone screening or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and eliminating dust.
- C. Unless provided in current Manufactured Home models, storage facilities with a minimum capacity of 200 cubic feet per Manufactured Home Space, may be provided on the space, or in compounds located within 100 feet of each space. Where provided, storage facilities must be designed in a manner that will enhance the appearance of the Park and must be faced with masonry, porcelainized steel, baked enamel steel, or other material equal in fire resistance, durability, and appearance.

Sec. 2-274. Access and Traffic Circulation; Construction of Streets; Parking.

- A. Interior private streets in the Manufactured Home Park must be paved to a width of at least 30 feet. Cul-de-sacs must have a diameter of at least 80 feet and may not exceed 400 feet in length. Internal streets, no-parking area signs, and street name signs must be privately owned, built, and maintained. On all sections of internal streets on which parking is prohibited, the owner or agent must erect metal Signs prohibiting parking. The Sign type, size, Height, and location must be approved by the City prior to installation.
- B. All internal streets must be constructed to specifications established by the City and must be maintained by the owner or agent free of cracks, holes, and other hazards. Internal Streets must be designed by a licensed professional engineer in accordance with good engineering designs and the design must be approved by the City prior to construction.
- C. Internal streets must permit unobstructed access to within at least 200 feet of any portion of each Manufactured Home.
- D. Within each Manufactured Home Park, all streets must be named, and Manufactured Homes numbered to conform with block numbers on adjacent public Streets. All street name Signs and house numbers must be of reflective material.
- E. Street lighting within the Manufactured Home Park must be provided along all internal Streets.

Sec. 2-275. Recreation Areas.

All Manufactured Home Parks must have at least 1 recreation area. When playground space is provided, it must be so designated and must be protected from traffic, thoroughfares and parking areas.

Sec. 2-276. Water and Sewage.

A Manufactured Home Park must be connected to a public supply of water. The water supply system of the Manufactured Home Park must be connected by pipes to all Manufactured Homes, Buildings, and

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other facilities requiring water. An adequate and safe sewerage system must be provided in all Manufactured Home Parks for conveying and disposing of all sewage.

Sec. 2-277. Sanitation.

- A. Refuse and garbage must be removed from the Park at least twice each week. The Manufactured Home Park owner or agent must ensure that containers at Manufactured Home Spaces are emptied regularly and maintained in a usable, sanitary condition.
- B. Grounds, Buildings, and Structures in a Manufactured Home Park must be maintained free of insect and rodent harborage and infestation.
- C. Parks must be maintained free of accumulation of debris which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests.

Secs. 2-278—2-289. Reserved.

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[Sec. 2-299. Enforcement.](#)

[Sec. 2-300—2-309. Reserved.](#)

Sec. 2-290. Purpose and Intent.

The purpose of these regulations on Adult Oriented Businesses is to promote the health, safety, morals, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the concentration of Adult Oriented Businesses within the City. The provisions of these regulations have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult oriented materials. Similarly, it is not the intent nor effect of these regulations to restrict or deny access by adults to adult oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of adult oriented entertainment to their intended market.

Sec. 2-291. Definitions.

A. In this Chapter:

Adult Arcade means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to 5 or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

Adult Bookstore or Adult Video Store means:

1. A commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following:
 - a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, discs, or video reproductions, slides, or other visual representations distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas"; or
 - b. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities".

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2. For the purpose of this definition, a commercial establishment is considered to have as one of its "principal business purposes" the sale or the rental of the material described in paragraph (a) of this definition, if:
 - a. The establishment makes use of a sign inside the establishment that is visible to any area open to the public or makes use of a sign, whether located on or off the property where the establishment is located, that is visible from any public street, advertising the availability at the establishment of any material described in paragraph (a) of this definition;
 - b. The establishment devotes more than 20% of its total Floor Area that is open to the public to the display of items for sale or rental that are materials described in paragraph (a) of this definition;
 - c. More than 20% of the total number of items displayed for sale or rental by the establishment are material described in paragraph (a) of this definition; or
 - d. The establishment regularly maintains on the property for sale or rental materials described in paragraph (a) of this definition whose total retail value is more than 20% of the total retail value of all materials kept on the premises for sale or rental.
3. An establishment that does not qualify as an "adult bookstore" or "adult video store" under paragraph (b), may nevertheless be classified and regulated as an adult bookstore or adult video store under this Article if the establishment offers for sale or rental any of the items described in paragraph (a)(1) or (2) and the City determines that the establishment has an adverse impact on surrounding properties or the neighborhood because the establishment offers such material for sale or rental.

Adult Cabaret means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

1. persons who appear in a state of nudity; or
2. live performances which are distinguished or characterized by an emphasis on "specified sexual activities" or the exposure of "specified anatomical areas"; or
3. films, motion pictures, video cassettes, discs, slides, or other photographic reproductions which are distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

Adult Motel means a hotel, motel, or similar commercial establishment which:

1. offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas"; and has a Sign visible from the public Right-of-Way which advertises the availability of this adult type of photographic reproductions; or
2. offers a sleeping room for rent for a period of time that is less than 10 hours; or
3. allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.

Adult Motion Picture Theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, discs, slides, or similar photographic reproductions are regularly shown which are distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

Adult Oriented Business means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, nude model studio or sexual encounter center.

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Adult Theater means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are distinguished or characterized by an emphasis on "specified sexual activities" or the exposure of "specified anatomical areas."

Church means a place used primarily for religious worship on a regular basis.

Nude Model Studio means any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

Nudity or a State of Nudity means:

1. the appearance of a human bare buttock, anus, male genitals, female genitals, or female breasts; or
2. a state of dress which fails to opaquely cover a human buttock, anus, male genitals, female genitals, or areola of the female breast.

Public Park or Playground means the real property and improvements thereon owned, operated, or maintained by a city, university, a Governmental Entity, or a homeowner's association, which are designed or used for recreational purposes and are available to the general public or the members of the homeowner's association. The defined terms include public swimming pools, golf courses, tennis courts, stadiums, field houses, and similar uses and facilities.

School means a building where persons regularly assemble for the purpose of instruction or education and includes playgrounds, stadia, and other Structures or grounds used in conjunction therewith. The term is limited to: (1) public and private schools having a curriculum generally equivalent to elementary or secondary schools; and (2) special educational facilities in which students who have physical or learning disabilities receive specialized education in lieu of attending regular classes in a kindergarten or grades 1 through 12.

Sexual Encounter Center means an establishment whose major business is the furnishing of a location where customers either congregate, associate, or consort with employees who engage in "specified sexual activities" with or in the presence of such customers, or who display "specified anatomical areas" in the presence of such customers, with the intent of providing sexual stimulation or sexual gratification to such customers.

Specified Anatomical Areas means human genitals in a state of sexual arousal.

Specified Sexual Activities means and includes any of the following:

1. the fondling or other erotic touching of the human genitals, pubic region, buttocks, anus, or female breasts;
2. sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
3. masturbation, actual or simulated; or
4. excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.

B. General definitions may be found in Chapter 10.

(Ord. No. 1122, § 1, 6-16-98)

Sec. 2-292. Classifications.

Adult Oriented Businesses are classified as follows:

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1. adult arcades;
2. adult bookstores or adult video stores;
3. adult cabarets;
4. adult motels;
5. adult motion picture theaters;
6. adult theaters;
7. nude model studios; and
8. sexual encounter centers.

Sec. 2-293. Inspection.

A person operating, managing, or otherwise in control of an Adult Oriented Business commits an offense if the person refuses to permit City code enforcement employees, City representatives of the police department, fire department, health department, or the building official, to inspect the premises of an Adult Oriented Business for the purpose of insuring compliance with the law at any time it is occupied or open for business. The provisions of this section do not apply to areas of an adult motel which are currently being rented by a customer for use as a permanent or temporary habitation.

Sec. 2-294. Location of Adult Oriented Businesses.

- A. A person commits an offense if he operates or causes to operate an Adult Oriented Business within 1,000 feet of any of the following:
 1. a boundary of a Residential District;
 2. the property line of a Lot devoted to a Residential Use;
 3. a church;
 4. a school;
 5. Child Care Center; or
 6. a public Park or playground.
- B. For the purposes of Subsection (a), measurement is made in a straight line, without regard to intervening Structures or objects, from the nearest portion of the Building or Structure used as a part of the premises where an Adult Oriented Business is conducted, to the nearest property line of the premises of a church, school, Child Care Center, or to the nearest boundary of an affected public Park or playground, Residential District, or Lot devoted to a Residential Use.
- C. A person commits an offense if the person operates or establishes, or causes or permits another to operate or establish an Adult Oriented Business which is located within 1,000 feet of another Adult Oriented Business. The distance between 2 Adult Oriented Businesses is measured in a straight line, without regard to intervening Structures or objects, from the closest exterior walls of the Structures in which the businesses are located.
- D. A person commits an offense if the person causes or permits the operation, establishment, or maintenance of more than 1 Adult Oriented Business in the same Building, Structure, or portion thereof.

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Sec. 2-295. Hours of Operation of Adult Oriented Businesses.

A person commits an offense if the person operates or causes to operate an Adult Oriented Business before 10:00 a.m. or after 10:00 p.m. on Monday through Saturday. A person commits an offense if the person operates or causes to operate an Adult Oriented Business on any Sunday.

(Ord. No. 1122, § 3, 6-16-98)

Sec. 2-296. Additional Regulations for Adult Cabarets

- A. An employee of an adult cabaret, while appearing in a state of nudity, commits an offense if the employee touches a customer or the clothing of a customer.
- B. A customer of an adult cabaret commits an offense if the customer touches an employee appearing in a state of nudity or the clothing of the employee appearing in a state of nudity.
- C. An employee of an adult cabaret, while appearing in a state of nudity, commits an offense if the employee touches another employee appearing in a state of nudity or touches the clothing of the other employee appearing in a state of nudity.
- D. An employee of an adult cabaret commits an offense if the employee, while appearing in a state of nudity, dances closer than six feet to any customer.
- E. A person who owns, operates, manages, or controls an adult cabaret at which alcoholic beverages are offered for sale for consumption on the premises commits an offense if the person allows any person to appear in a state of nudity on the premises of the adult cabaret.
- F. A person commits an offense if the person appears in a state of nudity on the premises of an adult cabaret at which alcoholic beverages are offered for sale for consumption on the premises.
- G. For purposes of this section, intent, knowledge, or recklessness suffice to establish the requisite mental state to establish criminal responsibility.

(Ord. No. 1122, § 4, 6-16-98)

Sec. 2-297. Additional Regulations for Adult Motels.

- A. Evidence that a sleeping room in a hotel, motel, or similar commercial establishment has been rented and vacated 2 or more times in a period of time that is less than 10 hours creates a rebuttable presumption that the establishment is an adult motel.
- B. A person commits an offense if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not comply with the location requirements of Section 2-294, the person rents or sub-rents a sleeping room to a person and, within 10 hours from the time the room is rented, the person rents or sub-rents the same sleeping room again.
- C. For purposes of Subsection (B) of this section, the terms "rent" or "sub-rent" means permitting a room to be occupied for any form of consideration.

(Ord. No. 1122, § 2, 6-16-98)

Sec. 2-298. Regulations Pertaining to Exhibition of Adult Explicit Films or Videos.

- A. A person who operates or causes to be operated an Adult Oriented Business, other than an adult motel, which exhibits on the premises in a viewing room of less than 150 square feet of floor space, a film, video cassette, or other reproduction distinguished or characterized by an emphasis on matter

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depicting "specified sexual activities" or "specified anatomical areas," must comply with the following requirements:

1. The establishment must provide for 1 or more manager's stations, none of which may exceed 32 square feet of Floor Area. The manager's stations must be designed to provide a monitoring location for the operators or employees of the establishment during business hours and to exclude members of the general public. The interior of the premises must be configured so that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding rest rooms. Rest rooms may not contain video reproduction equipment. If the premises has 2 or more manager's stations, then the interior of the premises must be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least 1 of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
 2. It is the duty of the owners and operator of the premises to ensure that at least 1 employee is on duty and situated in each manager's station at all times that any patron is present inside any part of the premises.
 3. It is the duty of the owners and operator, and it is also the duty of any agents and employees present in the premises, to ensure that the view area specified in subsection (1) remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times that any patron is present in the premises and to ensure that no patron is permitted access to any area of the establishment that does not have an unobstructed view from a manager's station.
 4. The premises must be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place in which patrons are permitted access at an illumination of not less than 1.0 footcandle as measured at the floor level.
 5. It is the duty of the owners and operator, and it is also the duty of any agents and employees present in the premises, to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
- B. A person having a duty as provided in subsections (1) through (5) of subsection (a) above commits an offense if the person knowingly fails to fulfill that duty.

(Ord. No. 1122, § 2, 6-16-98)

Sec. 2-299. Enforcement.

- A. Any person violating Section 2-294, upon conviction, is punishable by a fine not to exceed \$2,000.00 for each offense.
- B. Any person violating a provision of this Article, other than Section 2-294, upon conviction, is punishable by a fine not to exceed \$500.00 for each offense.
- C. It is a defense to prosecution under Section 2-294 that each item of descriptive, printed, film, or video material offered for sale or rental, taken as a whole, contains serious literary, artistic, political, or scientific value.
- D. It is unlawful for any person to operate an Adult Oriented Business in any zoning district of the City, unless an Adult Oriented Business is specifically listed as a permitted use in that district. Any person found guilty of violating this paragraph may be fined not more than \$2,000.00 for each offense.
- E. Each day on which a violation of this Article occurs is a separate and distinct violation.

(Ord. No. 1122, § 2, 6-16-98)

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Secs. 2-300—2-309. Reserved.

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ARTICLE X. BUILDING FINISH STANDARDS

ARTICLE X. BUILDING FINISH STANDARDS

[Sec. 2-310. Statement of Intent.](#)

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[Sec. 2-312. Definitions.](#)

[Sec. 2-313. Finish Requirements for Specified Districts.](#)

[Sec. 2-314. Requirements Applicable to all Finishes.](#)

[Sec. 2-315. Prohibited Building Materials.](#)

[Sec. 2-316. Alternative Construction Materials.](#)

[Secs. 2-317—2-329. Reserved.](#)

Sec. 2-310. Statement of Intent.

The City Council has determined that establishing minimum standards for exterior Building finishes for nonresidential Structures protects and advances the general welfare of the community by, among other things:

1. Enhancing and protecting the aesthetic interests of the community;
2. Providing for the structural integrity, safety, durability and improved maintenance of the facade of Buildings;
3. Protecting property values and lessening the impact commercial properties may have on surrounding residential development; and
4. Promoting economic development by making the community a more desirable place to live and shop.

(Ord. No. 1357, § 1, 7-2-02)

Sec. 2-311. Application.

- A. This Article applies to all nonresidential Buildings constructed in the B-O, B-1, B-2 and residential districts after July 2, 2002, and Buildings in the MUC District after October 7, 2002.
- B. Each exterior façade of a Building, not including interior courtyards, shall meet the finish standards established in this Article.
- C. For any Building that is subleased or subdivided, the Primary and Secondary Finish regulations of this Article apply to that portion of the Exterior Wall of each subleased or subdivided area.
- D. Screen walls, wing walls, columns and similar Building extensions and supports must comply with the provisions of this Article pertaining to Primary Finishes.
- E. Any repair or alteration that involves more than 50% of the Exterior Walls of a Building constructed in the B-O, B-1, B-2 and residential districts prior to July 2, 2002, and any repair, addition, or alteration, to a Building constructed in the MUC District after July 2, 2002, must comply with this Article.
- F. This Article does not apply to M-1 and M-2 zoning districts.

(Ord. No. 1357, § 1, 7-2-02)

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ARTICLE X. BUILDING FINISH STANDARDS

Sec. 2-312. Definitions.

A. In this Article:

Brick means hard fired (kiln fired) clay or shale material which meets the latest version of ASTM standard C216, Standard Specification for Facing Brick (Solid Masonry Unit Made of Clay or Shale), is Severe Weather (SW) grade, that is made of or covered with masonry, flat panel concealed fastener metal systems.

Concrete Masonry Unit means indented, hammered, or split face concrete.

Exterior Finish means the material or product that is visible from or used as the exterior surface of an exterior wall.

Exterior Wall means a Building's exterior wall that is the outermost wall surface of a Building, including doors and windows.

Glass Curtain Wall means an exterior Building wall consisting of no less than 75% glass, that carries no structural loads, and is made of a combination of metal, glass, or other surfacing material supported in a metal framework.

Interior Courtyard means an outdoor space fully enclosed on all sides by a Building, not exposed to views from property line.

Masonry means stone material, brick, glass block, or concrete panel.

Primary Finish means an exterior finish as defined in Sec. 2-313 for each zoning district.

Secondary finish means an Exterior Finish as defined in Sec. 2-313 for each zoning district that makes up the remaining portion of an Exterior Wall that is not covered by a Primary Finish.

Stone Material means hard and durable naturally occurring all weather stone, cut stone, dimensioned stone, and manufactured stone products.

Thin Brick means Brick that does not have the thickness of Brick material but is at least ½-inch thick and meets the latest version of ASTM standard C-1088 Thin Veneer Brick Units, Clay or Shale, Exterior Grade.

B. General definitions may be found in Chapter 10.

(Ord. No. 1357, § 1, 7-2-02; Ord. No. 1645, § 5, 10-2-07)

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ARTICLE X. BUILDING FINISH STANDARDS

Sec. 2-313. Finish Requirements for Specified Districts.

A. Primary finish requirements for nonresidential buildings are as follows:

Table 2-313.1: Primary Finish Requirements for NonResidential Buildings

Zoning District	Minimum %	Materials
All residential districts	85%	Masonry, glass window or wall, or combination thereof
B-O	85%	
B-1	70%	Masonry, glass window or wall, cementitious stucco or combination thereof
B-2	70%	
MUC	85%	Brick for all Principal, Accessory, and Non-Accessory buildings; Wood or fiber cement siding for all detached Private Garages in the district; For 318 Brooks Street and south, wood or fiber cement siding may be used for detached Private Garages and additions to existing brick principal Buildings; For 314 Brooks Street and north, wood or fiber cement siding for all Principal, Accessory, and Non-Accessory buildings.
<i>Note: No materials requirements for M-1 and M-2.</i>		

B. The Secondary Finish requirements for nonresidential buildings are as follows:

Table 2-313.2: Secondary Finish Requirements for NonResidential Buildings

Zoning District	Maximum %	Materials
B-1	30%	Concrete Masonry Units as defined in this Article, Exterior Insulated Finish Systems (E. I. F.S.), fiber reinforced cement exterior siding, wood materials, aluminum composite material (Alucobond or similar), or a combination thereof
B-2		
B-O	15%	Concrete Masonry Units as defined in this Article, Exterior Insulated Finish Systems (E. I. F.S.), fiber reinforced cement exterior siding, wood materials, aluminum composite material (Alucobond or similar), or a combination thereof;
MUC		
All residential districts		Cementitious Stucco.

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ARTICLE X. BUILDING FINISH STANDARDS

Table 2-313.2: Secondary Finish Requirements for NonResidential Buildings

Zoning District	Maximum %	Materials
<i>Note: No materials requirements for M-1 and M-2.</i>		

(Ord. No. 1357, § 1, 7-2-02)

Sec. 2-314. Requirements Applicable to all Finishes.

- A. Brick, Thin Brick, naturally occurring stone, manufactured stone, and Split-face Concrete Masonry Units may not be painted.
- B. Concrete finish and pre-cast concrete panels must be profiled, sculptured, fluted, exposed aggregate or other architectural concrete finish. In the B-1 and B-2 districts, concrete finish and pre-cast concrete panels on rear Exterior Walls may be smooth when screened from a public street.
- C. Glass walls may include Glass Curtain Walls or glass block construction.
- D. E.I.F.S. materials may not be used at any height within six feet of grade level in any area accessible to pedestrians, vehicles or otherwise subject to damage.
- E. In its initial application, cementitious stucco must be integrally colored, and may not be painted.

(Ord. No. 1357, § 1, 7-2-02)

Sec. 2-315. Prohibited Building Materials.

The following construction materials may not be used as an Exterior Finish:

- 1. Vinyl siding, wood fiber hardboard siding, oriented strand board siding, corrugated or ribbed metal, plastic, or fiberglass panels;
- 2. Galvanized, aluminum coated, zinc-aluminum coated or unpainted exterior metal finishes;
- 3. Unfired or underfired clay, sand, or shale brick;
- 4. Concrete Masonry Units as a primary exterior finish; and
- 5. Smooth or untextured concrete finishes.

(Ord. No. 1357, § 1, 7-2-02)

Sec. 2-316. Alternative Construction Materials.

The Director may approve alternative Primary or Secondary Exterior Finishes not specified in this Article if the Director determines that the alternative finish is substantially equal to or better than a specified Primary or Secondary Exterior Finish in quality, durability, and appearance and the use thereof will not violate any provision of this Article.

(Ord. No. 1357, § 1, 7-2-02)

Secs. 2-317—2-329. Reserved.

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Chapter 2 - ZONING REGULATIONS

ARTICLE XI. PARKING GARAGES

ARTICLE XI. PARKING GARAGES

[Sec. 2-330. Statement of Intent.](#)

[Sec. 2-331. Structural Requirements.](#)

[Sec. 2-332. Reduction to Enclosure Requirements.](#)

[Sec. 2-333. Landscaping Requirements.](#)

[Sec. 2-334. Parking Garage Sight Clearance.](#)

[Sec. 2-335. Parking Garage Setbacks](#)

[Sec. 2-336 – 2-349. Reserved.](#)

Sec. 2-330. Statement of Intent.

The City Council has determined that establishing minimum standards for Parking Garages protects and advances the general welfare of the community by providing for the structural integrity, safety, durability and improved maintenance of the facade of Parking Garages and by ensuring the aesthetic interests of the community by requiring screening of Parking Garages.

(Ord. No. 1638, § 2, 8-21-07)

Sec. 2-331. Structural Requirements.

A. Parking Garages must be constructed so that:

1. At least 60% of each parking garage level facade is enclosed with a wall, and there is a solid and continuous wall that is at least 42 inches in height on each level, as measured from the driving surface of each level;
2. Exterior finishes comply with building finish standards for the zoning district in which the Parking Garage is located established in Article X.; and
3. If located within 200 feet of a residentially zoned property, all portions of the exterior walls within 200 feet and facing the residentially zoned property are constructed with a solid and continuous floor to ceiling wall.

B. Areas beneath ramps that extend beyond the exterior walls of Parking Garages must be screened with:

1. Walls that have exterior finishes that comply with the building finishes required by this Code; or
2. Landscaping that attains a height to adequately screen the area from view.

(Ord. No. 1638, § 2, 8-21-07)

Sec. 2-332. Reduction to Enclosure Requirements.

A. If conformance with the enclosure requirements of this Article would require a Parking Garage to be mechanically ventilated, the Director may approve a Parking Garage with less than the required enclosure, if the Parking Garage is enclosed to the maximum extent possible without triggering the mechanical ventilation requirements, subject to the following:

1. The Director may not approve any reduction to the enclosure requirements for exterior walls facing a residentially zoned property.

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2. When granting a reduction to the enclosure requirements, the Director may require additional architectural features, landscaping, or both to offset the visual impacts of reduced enclosure.
- B. If a request for a reduction of the enclosure requirements is denied by the Director, the applicant may appeal the decision to the City Manager, whose decision is final.

(Ord. No. 1638, § 2, 8-21-07)

Sec. 2-333. Landscaping Requirements.

Shade trees must be planted along the exterior wall for every 30 linear feet of the length of the structure not screened from public view by other structures. Shade Trees must be a minimum of 7 feet in overall Height and must have a minimum of 2 ½ inch caliper immediately after planting. Tree caliper is measured 6 inches from natural ground level.

(Ord. No. 1638, § 2, 8-21-07)

Sec. 2-334. Parking Garage Sight Clearance.

The portion of any area located within 10 feet of the exterior wall of a Parking Garage and within 20 feet from either side of an exit driveway serving the Parking Garage may not contain any walls, screening, landscaping, or other features exceeding 3 feet in height.

(Ord. No. 1638, § 2, 8-21-07)

Sec. 2-335. Parking Garage Setbacks

Parking garages shall meet building setbacks and Yard requirements of the district in which the property is located.

Sec. 2-336 – 2-349. Reserved.

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ARTICLE XII. MAXIMUM LIGHTING STANDARDS

ARTICLE XII. LIGHTING STANDARDS

[Sec. 2-350. Definitions.](#)

[Sec. 2-351. Application.](#)

[Sec. 2-352. Maximum Lighting Standards.](#)

[Sec. 2-353. Minimum Illumination Standards.](#)

[Sec. 2-354—2-359. Reserved.](#)

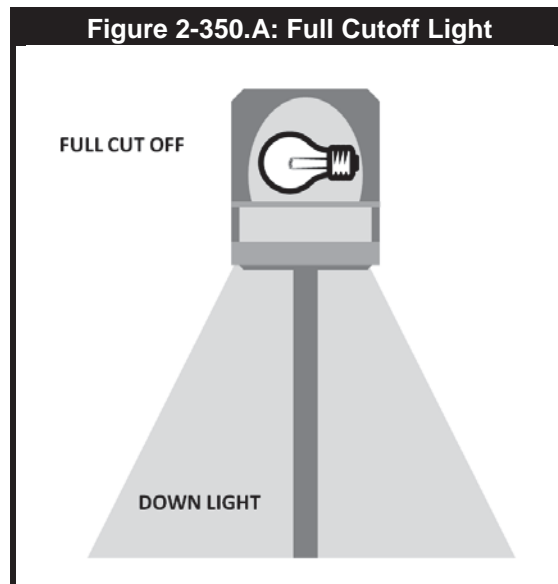
Sec. 2-350. Definitions.

A. In this Article:

Candela means a unit of luminous intensity.

Footcandle means a unit of measure for Illuminance, and is equal to 1 Lumen per square foot.

Full Cutoff means a Luminaire's light distribution resulting in not more than 100 Candela per 1,000 Lumens projecting at all vertical angles between 80 degrees and 89.9 degrees above the Nadir, and 0 Candela per 1,000 Lumens projecting at all angles 90 degrees and above the Nadir (see Figure 2-350.A).



Illuminance means the amount of light falling on a surface and is measured in footcandles.

Lamp means a source of light, commonly referred to as a bulb.

Lumen means a unit of luminous flux.

Luminaire means the entire lighting unit, including 1 or more Lamp, reflector, refractor, diffuser, baffle, lens, and other devices to distribute the light, and parts that position and protect the Lamp and connect the lighting unit to the power supply.

Nadir means the direction pointing down from the lowest light emitting part of the Luminaire.

Night means the period of time between 30 minutes after sunset to 30 minutes before sunrise.

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Vertical Illuminance means the Illuminance of a Lamp measured by a light meter with the meter's light sensor surface oriented vertically at 5 feet above the ground and facing the Lamp.

B. General definitions may be found in Chapter 10.

(Ord. No. 1773, § 7, 2-16-10)

Sec. 2-351. Application.

A. This Article applies to all Luminaires installed on non-single family Premises, including Premises that are used primarily for signage, after February 9, 2010.

B. This Article does not apply to:

1. Decorative holiday lighting;
2. Airport lighting required by law;
3. Lighting of hazardous areas to protect the public;
4. Temporary emergency lighting;
5. Temporary lighting at construction sites;
6. Outdoor lighting fixtures emitting less than 1,800 lumens;
7. Entertainment lighting that occurs only during the course of a specific event;
8. Architectural lighting that targets specific features of a building or monument;
9. Lighting at historic landmarks where historic lighting is used;
10. Reasonable lighting that targets a displayed flag; and
11. Street lights, including lighting in a public Right-of-Way.

(Ord. No. 1773, § 7, 2-16-10)

Sec. 2-352. Maximum Lighting Standards.

A. On a Premises with nonresidential or multi-family uses, a Luminaire must be Full Cutoff. This subsection does not apply to a Planned Development District that is exempt from the requirements of this subsection if stated in the ordinance rezoning the property as a Planned Development district.

B. On a Premises with nonresidential or multi-family uses, it is unlawful for a person to operate a Luminaire that has a maximum Vertical Illuminance exceeding 2 footcandles on an adjacent Premises zoned R-1E, R-1R, R-1, HR-1, R-1Z, MUC, R-3, or R-4, or an area of a Planned Development District used for residential purposes. The maximum Vertical Illuminance must be measured at 10 feet inside the adjacent Premises or area.

C. On a Premises with nonresidential or multi-family uses, it is unlawful for a person to operate a Luminaire that has a maximum Vertical Illuminance exceeding 7.5 footcandles on an adjacent Premises zoned R-4, B-O, B-1, B-2, MUC, M-1, or M-2, or an area of a Planned Development District used for commercial or industrial purposes. The maximum Vertical Illuminance must be measured at the property line adjoining a street Right-of-Way. This subsection does not apply to a Luminaire with an Illuminance that extends across an adjoining lot where both lots have the same zoning classification.

D. Requirements for the lighting plan are established in the Development Application Handbook.

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(Ord. No. 1773, § 7, 2-16-10)

Sec. 2-353. Minimum Illumination Standards.

The minimum amount of maintained illuminations are as follows:

Table 2-353.1: Minimum Illumination Standards		
Uses	FootCandles	Uniformity Ratio
Low Activity: local merchant shopping (<15 acre sites), industrial employee parking, and similar uses	0.5	4.1
Medium Activity: fast food facilities, area shopping centers (>15 acres), hospitals, residential complexes, and similar uses	1.0	3.1
High Activity: athletic and major cultural or civic events, regional shopping centers, and similar uses	2.0	3.1

Sec. 2-354—2-359. Reserved.

ARTICLE XIII. MAXIMUM NOISE STANDARDS

[Sec. 2-360. Definitions.](#)

[Sec. 2-361. Application.](#)

[Sec. 2-362. Maximum Noise Standards.](#)

[Sec. 2-363—2-369. Reserved.](#)

Sec. 2-360. Definitions.

A. In this Article:

Day means the period of time from 7:00 a.m. to 10:00 p.m.

Decibel (dB) means the logarithmic unit of measure used to describe the amplitude of sound.

dB(A) means the intensity of sound expressed in decibels read from a calibrated sound level meter utilizing the A-level weighing scale and the slow meter response.

Night means the period of time from 10:01 p.m. to 6:59 a.m.

B. General definitions may be found in Chapter 10.

(Ord. No. 1773, § 8, 2-16-10)

Sec. 2-361. Application.

This Article applies to Premises zoned M-1 or M-2.

(Ord. No. 1773, § 8, 2-16-10)

Sec. 2-362. Maximum noise standards.

A. Except as provided by Subsection (D), it is unlawful for a person to operate on a Premises zoned M-1 or M-2 a noise source that causes the noise level to exceed 65 dB(A) during the day on a Premises zoned R-1E, R-1R, R-1, HR-1, R-1Z, R-3, R-4, or MUC.

B. Except as provided by Subsection (D), it is unlawful for a person to operate on a Premises zoned M-1 or M-2 a noise source that causes the noise level to exceed 50 dB(A) during the night on a Premises zoned R-1E, R-1R, R-1, HR-1, R-1Z, R-3, R-4, or MUC.

C. Noise level must be determined by measuring the dB(A) taken at 10 feet inside the property line of the Premises receiving the noise.

D. A person does not violate this Section if the noise source on a Premises zoned M-1 or M-2 does not:

1. Exceed 5 dB(A) over the dB(A) allowed by Subsections (A) and (B) if the noise source operates at that level for less than 15 minutes in any 1-hour period;
2. Exceed 10 dB(A) over the dB(A) allowed by Subsections (A) and (B) if the noise source operates at that level for less than 6 minutes in any 1-hour period;
3. Exceed 15 dB(A) over the dB(A) allowed by Subsections (A) and (B) if the noise source operates at that level for less than 1.5 minutes in any 1-hour period
4. Occur as part of the typical operation of the Premises, including mowing, construction, tree trimming, and waste removal.

(Ord. No. 1773, § 8, 2-16-10)

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Sec. 2-363—2-369. Reserved.

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ARTICLE XIV. HOTELS

ARTICLE XIV. HOTELS

[Sec. 2-370. Intent.](#)

[Sec. 2-371. Definition.](#)

[Sec. 2-372. Minimum Requirements.](#)

[Sec. 2-373—2-379. Reserved.](#)

Sec. 2-370. Intent.

The City Council has determined that establishing minimum standards for hotels protects and advances the general welfare of the community by providing for structural integrity, safety, durability, and improved maintenance of sites, and by promoting economic development by providing quality hospitality developments that support the City's businesses.

(Ord. No. 1773, § 9, 2-16-10)

Sec. 2-371. Definition.

In this Article, *Cooking Facility* includes a conventional oven, convection oven, stove top burner, grill, hibachi or hotplate that does not serve an integral part of an appliance designed solely to produce coffee, sink with a 1 inch or larger in diameter drain, garbage disposal, dishwasher, counter space for cooking, preparing, or serving food, but does not include a microwave, miniature refrigerator or freezer, or coffee maker.

(Ord. No. 1773, § 9, 2-16-10)

Sec. 2-372. Minimum Requirements.

A. A hotel must meet the following requirements:

1. Guest rooms may be accessible only through interior corridors;
2. Entrance through exterior doors must be secured and accessible only to guests and employees;
3. Hotel management must be on-site 24 hours each day;
4. Prohibit overnight parking of trucks with more than 2 axles and recreational vehicles in the hotel's parking lot and Parking Garage, erect signs in compliance with Chapter 2308 of the Texas Occupations Code stating those vehicles will be towed from the hotel property;
5. Except for not more than 5% of the total number of guest rooms in a Full Service Hotel, guest rooms in a hotel may not contain any Cooking Facility; and
6. Delivery service areas must be screened from the view of any Right-of-Way or residential area by masonry walls.

(Ord. No. 1773, § 9, 2-16-10)

Sec. 2-373—2-379. Reserved.

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Article XV LANDSCAPING AND SCREENING REGULATIONS

[Sec. 2-380. Purpose](#)

[Sec. 2-381. Application and Exceptions.](#)

[Sec. 2-382. Landscape Plan Required, Deviations, and Appeals.](#)

[Sec. 2-383. Compliance Requirements.](#)

[Sec. 2-384. Residential Front Yard Landscaping Requirements.](#)

[Sec. 2-385. Nonresidential and Multifamily Use Landscaping Requirements.](#)

[Sec. 2-386. Interior Parking Lot Landscaping Requirements.](#)

[Sec. 2-387. Screening Requirements.](#)

[Sec. 2-388. Tree Preservation.](#)

[Sec. 2-389. Design Planting Criteria and Measurement.](#)

[Sec. 2-390. Approved Landscape Materials.](#)

Sec. 2-380. Purpose

The purpose of this Article is to minimize adverse effects on surrounding property owners and the general public, encourage the use of indigenous and drought-resistant plants to conserve water, and ensure that high quality development is maintained throughout the community. Landscaping can provide shade and improve stormwater quality by mitigating runoff. This Article intends to facilitate a positive image by promoting quality development, enhancing property values, and providing landscape improvements in all parts of the City. For the purpose of landscaping, the City falls within Zone 9 of the United States Department of Agriculture (USDA) Hardiness Zone Map.

Sec. 2-381. Application and Exceptions.

- A. The landscaping requirements of this Article apply to any premises on which construction occurs for which a building permit is required, except as follows:
 - 1. The restoration of a Building with a historic designation;
 - 2. The remodeling of the interior of a Building or the facade of a Building that does not alter the location of exterior walls; or
 - 3. The expansion of a Single-Family or Two-Family Dwelling.
- B. Whenever this Article imposes a requirement based on the classification of a Premises as a Residential or Nonresidential Use, the requirement shall also apply to the portions of a Premises used for Residential Uses and Nonresidential Uses located in a Planned Development (PD) District, as defined by the PD ordinance or determined by the Director.

Sec. 2-382. Landscape Plan Required, Deviations, and Appeals.

- A. For any premises that must comply with this Article, a landscape plan must be submitted to the City showing how the requirements of this Article are to be met. The required plan must be submitted in the form and manner specified by the Director and the Development Application Handbook. If the plan meets the requirements of this Article, the Director may approve the plan.
- B. Where improvements are proposed to a developed premises devoted to a Nonresidential Use that was developed prior to September 23, 1997 and does not meet the landscaping requirements of this

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Article, the Director may approve a landscape plan with deviations from the requirements of this Article or impose alternative requirements that serve the purpose and intent of this Article, if the requirements of this Article cannot be reasonably complied with because of the existing developed conditions.

- C. In approving a landscape plan, the Director may allow or require minor deviations from the requirements of this Article whenever a literal application of a requirement to a premises would, because of unusual circumstances or situations not generally common to other premises, not achieve the purpose or intent of the regulation or cause an absurd result. In making a determination to approve an alternate landscaping plan, the Director may consider criteria such as:
 - 1. The hardness of landscaping proposed to replace other landscaping;
 - 2. The relocation of landscaping within the site due to special or unique circumstances, (e.g. relocation due to utility easements); and
 - 3. The preservation of existing Protected Trees on a site.
- D. To protect the public infrastructure and public safety, the City may adopt written guidelines on planting and maintaining Trees in the public Right-of-Way. The Director may deny any landscape plan that does not comply with the adopted guidelines.
- E. An applicant may appeal to the Zoning Board of Adjustment the Director's:
 - 1. Decision that a landscape plan does not meet the requirement of this Article;
 - 2. Refusal to approve a deviation from a requirement; or
 - 3. Decision imposing an alternative requirement.

Sec. 2-383. Compliance Requirements.

- A. All landscaping requirements of this Article, including the requirements contained in an approved landscape plan, must be met prior to and as a condition for the issuance of a Certificate of Occupancy for any premises to which these regulations apply. If weather conditions, scheduling delays, or similar conditions delay compliance, the Director may grant a temporary Certificate of Occupancy if the owner or person in control of the premises enters into an agreement with the City agreeing to comply with the landscaping requirements within a specified time.
- B. All vegetation required to be installed must, after installation, be maintained in good condition. If the required vegetation becomes diseased, deteriorated, or dies, the owner of the premises must replace the vegetation within 90 days of written notice from the City.
- C. All Fences required by this Article must be maintained by the owner in good condition so that there are no damaged or missing boards or parts, all structural supports are sound and sufficient to maintain the Fence in its original upright condition, and any surface treatment, including paint and stucco, is substantially maintained in its original appearance so that there is no noticeable cracking, discoloration, or similar surface blemishes or defects.

Sec. 2-384. Residential Front Yard Landscaping Requirements.

For all premises with Residential uses, not including multifamily uses, the premises must have 1 Shade Tree within the area between the Principal Building and front Property Line for each 50 feet of Lot Width or portion thereof, measured along the Front Lot Line. Trees may be clustered or spaced linearly and need not be placed evenly at 50 foot intervals.

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Sec. 2-385. Nonresidential and Multi-family Use Landscaping Requirements.

The following landscape and screening requirements apply to every premises developed for Multi-Family Dwellings or a Nonresidential Use:

1. All portions of the ground located in the Front Yard or the Street Side Yard of the premises which are not covered by driveways, Parking Lots, and similar permanent improvements must be Landscaped.
2. All plants used to satisfy the requirements of this section must be located in Landscaped Areas at least 2 ½ feet in width.
3. Nonresidential and Multi-family Perimeter Landscaping Requirements are as follows:

Table 2-385.1: Nonresidential and Multi-family Perimeter Landscaping Requirements			
		Abutting Residential Use or Zoning District	Abutting Nonresidential Use or Zoning District
		<i>(If use and zoning district are different, utilize more restrictive requirement.)</i>	
Nonresidential Use	Front / Street Side Yards:	<ul style="list-style-type: none"> 100% parking lot screening ^(a) 1 tree per 30 ft. of Lot Width along Front Lot Line ^(b) 	<ul style="list-style-type: none"> 100% parking lot screening ^(a) 1 tree per 50 ft. of Lot Width along Front Lot Line ^(b)
	Rear / Side Yard:	<ul style="list-style-type: none"> 100% Parking lot screening ^(c) 1 tree per 30 ft. of parking lot length ^(b) Min. 6-ft. opaque fence along entire abutting property line ^(d) 	<ul style="list-style-type: none"> 25% parking lot screening ^(e) 1 tree per 50 ft. of parking lot length ^{(b) (f)}
	Yards on a Primary Access Easement ^(g)	<ul style="list-style-type: none"> 75% parking lot screening ^(a) 1 tree per 30 ft. of Primary Access Easement frontage ^(b) 	<ul style="list-style-type: none"> 50% parking lot screening ^(a) 1 tree per 50 ft. of Primary Access Easement frontage ^(b)
<p>a. Required continuous hedge or berm a minimum of 3 feet in height at maturity to screen the Parking Lot and Vehicle Use Area from the Street or Access Easement.</p> <p>b. Required trees may be clustered or spaced linearly and do not have to be spaced at even intervals. Each required tree must be planted in a Landscaped Area of at least 36 square feet, with a minimum dimension of 6 feet.</p> <p>c. Required continuous hedge or berm a minimum of 6 feet in height and a maximum Height of 8 feet between Parking Lot and Lot Line.</p> <p>d. The Fence is not required if a comparable Fence is already existing on the abutting residential property.</p> <p>e. Required hedge, fence or berm between the parking lot and the lot line with a minimum Height of 3 ½ feet at maturity and a maximum Height of 8 feet. Required screening may be grouped and dispensed</p>			

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Table 2-385.1: Nonresidential and Multi-family Perimeter Landscaping Requirements

randomly and need not be spaced evenly.

- f. If the site and abutting property are in M-1 or M-2, then the area to be screened must contain 1 tree per 75 feet of screened area.
- g. These regulations apply to the portion of the parcel, Lot or reserve that is adjacent to a Primary Access Easement. See Chapter 5 for additional regulations on Primary Access Easements.

- 4. All Side Yards must contain a minimum 6-foot wide Landscaped Area extending from the Front Lot Line to the Rear Lot Line.
- 5. All Rear Yards must contain a minimum 6-foot wide Landscaped Area extending from the Side Lot Line to the Side Lot Line.
- 6. Properties containing a Primary Access Easement require a minimum 15-foot wide Landscaped Area adjacent to the Primary Access Easement. Landscaped Areas may include required sidewalks and adjacent clear area.

(Ord. No. 1128, § 1, 7-21-98)

Sec. 2-386. Interior Parking Lot Landscaping Requirements.

Any premises containing a Parking Lot that has more than 10 Parking Spaces must meet the following landscaping requirements for the Parking Lot:

- 1. For each 20 Parking Spaces, or fraction thereof, Landscaped Areas containing a total of at least 162 square feet must be provided within the Parking Lot. Landscaped Areas or islands must be a minimum of 6 feet in width and a minimum of 6 feet in length, measured from back of the curb, and be dispersed throughout the Parking Lot. Landscaped Areas may be configured in islands or peninsulas within the parking lot. One shade Tree must be provided for every 162 square feet of required Landscaped Area for interior Parking Lots. The remaining area or island must be Landscaped with plants or ground cover not exceeding 3 feet in Height.
- 2. Landscaped islands must be protected from vehicle intrusion by curbs or similar Structures. The front of a vehicle may encroach upon the Landscaped island when the area is a minimum of six feet in depth and protected by wheel stops or curbs. Two feet of the Landscaped Area may be counted as part of the required depth of the abutting Parking Space.

(Ord. No. 1128, § 2, 7-21-98)

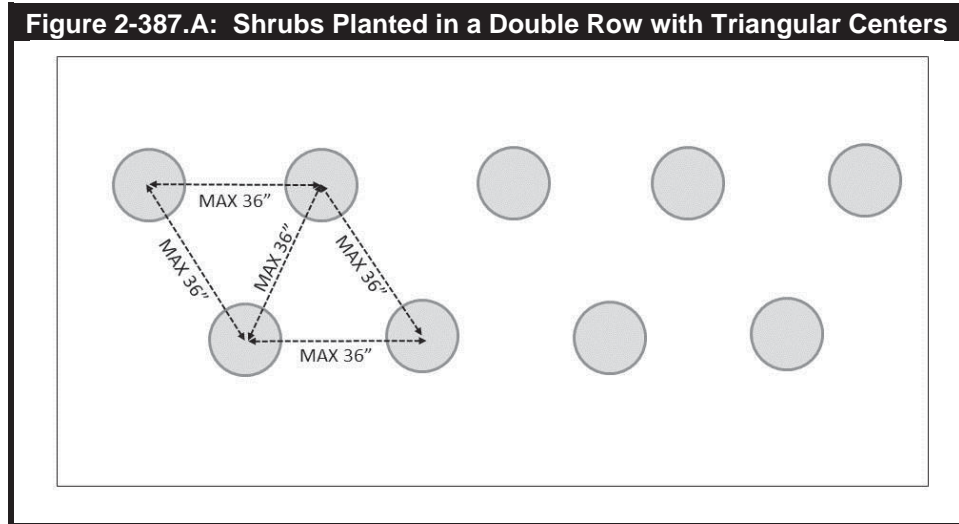
Sec. 2-387. Screening Requirements.

The following landscape and screening requirements apply to every premises used for Multi-Family Dwellings or a Nonresidential Use:

- 1. Areas used to hold refuse containers must be screened from public view with a solid enclosure, constructed with brick, stone, split-face block, or concrete panel, not less than six feet in Height. Enclosure doors must have a steel frame and opaque doors made of wood, or factory-coated or painted metal. Refuse containers may not be located within a required Landscaped Area.
- 2. Exterior ground-mounted or building-mounted equipment to serve a Building, including mechanical equipment, utility meter banks, and heating or cooling equipment must be screened from public view with landscaping or with an architectural treatment compatible with the Building architecture. If landscaping is used to meet screening requirements, shrubs planted must be at least 50% of the

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height of the equipment being screened and must be planted on triangular centers (see Figure 2-387.A).



3. All rooftop equipment must be screened from public view with an architectural treatment which is compatible with the Building architecture. The methods of screening rooftop equipment include the use of parapet walls and the encasement of partition screens.
4. All materials, products, or equipment which are stored outside of a fully-enclosed Building, other than for display, must be entirely screened from public view. If landscaping is used to meet screening requirements, at planting the shrubs or hedges must be at least 50% of the height of the materials, products, or equipment being screened, and must be planted on triangular centers. (See Figure 2-387.A)
5. For purposes of this section, "screened from public view" means not visible at eye level at grade from any point on an adjacent Street and the lesser of:
 - a. Any point on the Lot Line of the abutting premises; or
 - b. A maximum of 1,000 feet from the building.
6. Additional solid waste regulations are located in Chapter 3 of the Code of Ordinances.

Sec. 2-388. Tree Preservation.

- A. The landscape plan required by this Article must show the location of all Protected Trees, wooded areas, areas with dense shrubbery, and which Trees and plants will be preserved and which will be removed. Protected Tree means a hardwood tree having a minimum caliper size of 8 inches or greater, as measured 4 1/2 feet above ground level. Hardwood trees include elms, oaks, maples, pecan, and sycamore, as well as any trees listed as Shade Trees in Table 2-390.1 or identified as hardwoods by the Texas A&M Forest Service.
- B. Improvements must be designed whenever reasonably possible to preserve a Protected Tree. The Director may approve a landscape plan that provides for the removal of a Protected Tree where the Director determines that the development cannot reasonably preserve the Protected Tree. For each Protected Tree that is preserved, the owner may receive credit for 2 Trees that are otherwise required to be installed to comply with this Article.

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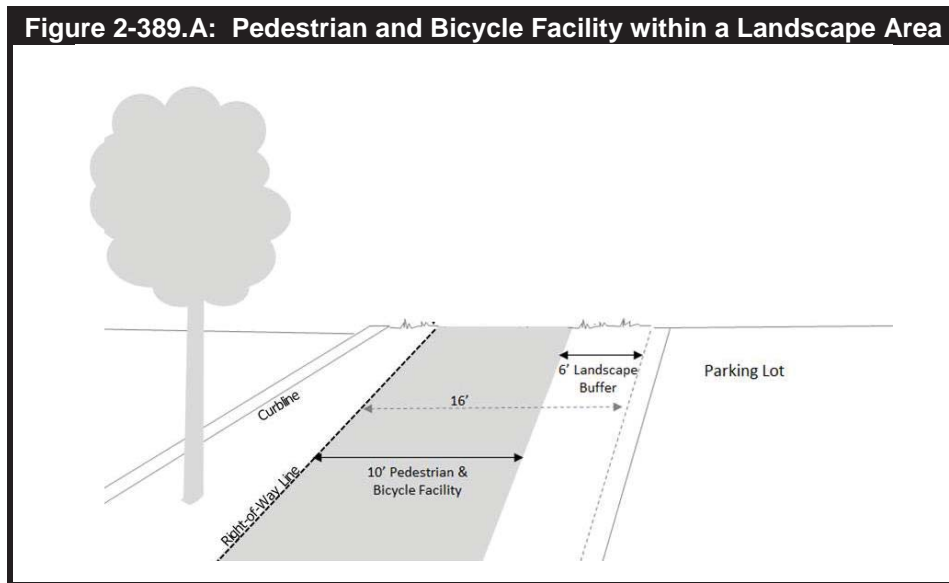
- C. If the Director approves the removal of a Protected Tree, the landscape plan must provide for the planting of 2 replacement Trees of like type for each Protected Tree to be removed. The replacement Trees are in addition to any other Trees required to be planted under this Article.
- D. Whenever 1 or more existing Trees, whether Protected Trees or otherwise, or existing Shrubs provide an effective and desirable buffer or screen for a proposed use or development, the Director may require that existing Trees or Shrubs or portions thereof, be preserved if the preservation can be accomplished without undue interference with the development of the premises. The Director will credit any existing Trees or Shrubs which are preserved against any requirements for Trees, Shrubs, or screening as provided in this Article, if the preserved Trees or Shrubs substantially serve the purpose of the requirement.

Sec. 2-389. Design Planting Criteria and Measurement.

- A. All portions of the ground located in a required Yard of the premises which are not covered by driveways, Parking Lots, and Similar permanent improvements, must be Landscaped.
- B. Landscaped Areas will include required Parking Lot screening and required Trees. Landscaped Areas shall be measured from the property line unless along a shared access such as a Primary Access Easement where the Landscape Area is measured from the back of curb. See Sec. 2-385 for landscaping requirements for each zoning district and adjacent to Primary Access Easements.
- C. Any Tree, Shrub, plant, Fence, or screen installed to satisfy the requirements of this Article must meet the following requirements:
 - 1. All plants used to satisfy the requirements of this Article must be located in Landscaped Areas that are at least 2 ½ feet wide.
 - 2. Trees must be a minimum of 7 feet in overall Height and must have a minimum of 2 ½ inch caliper immediately after planting. Tree caliper is measured 6 inches from natural ground level.
 - 3. Any Trees or plants used to meet the requirements of this Article must be one of the approved Trees or plants listed in Sec. 2-390, unless otherwise approved by the Director.
 - 4. Trees planted adjacent to a sidewalk shall be planted a minimum of 6 feet from the edge of sidewalk pavement, unless an approved root barrier system is provided.
 - 5. Shrubs must be a minimum of 2 feet in Height when measured immediately after planting. When used for screening purposes, Shrubs must be planted in a double row with triangular centers and not be separated by more than 3 feet (see Figure 2-387.A.). Whenever shrubs are used to meet a screening requirement, the plants must be planted and maintained so as to form a continuous, unbroken, solid, visual screen within 1 year of planting, unless providing for an intersecting sidewalk. If providing an intersecting sidewalk, a hedge may be disrupted if the sidewalk meets the minimum sidewalk requirements indicated in the Design Standards.
 - 6. Vines must be a minimum of 30 inches in Height immediately after planting and may be used in conjunction with Fences to meet physical barrier requirements.
 - 7. Ground covers used in lieu of grass, in whole or in part, must be planted to present a finished appearance and reasonable complete coverage within 3 months after planting.
 - 8. Grass must be of a species normally grown as permanent lawns in the Texas Gulf Coast Region. Solid sod must be used to provide coverage and soil stabilization in swales or other areas subject to erosion. In areas where other than solid sod is used, annual grass seed must be sown for immediate effect and protection until coverage is achieved.
 - 9. Detention and retention basins and ponds must be Landscaped with shade and ornamental Trees, evergreens, shrubbery, hedges or other plants. Additional regulations are located in the Design Standards.

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10. When indigenous and drought resistant plants are used, an irrigation system is not required. However, prior to initial planting, a plan for watering landscaping must be provided. If indigenous or drought resistant plants are not used, an irrigation system must be installed or a watering source made available within 150 feet.
11. Any Fence installed to meet the requirements of this Article must, unless otherwise specified, be constructed of wood, stone, brick, masonry, stucco, or concrete. Wire-type fencing of any kind may not be used for screening purposes, except in M-1 and M-2 districts. Wire-type fencing may be used for screening outside materials, products or equipment in M-1 and M-2 if:
 - a. The fence has a factory coated finish, and is a chain link fence with interwoven metal, High Density Polyethylene slats or other equivalent material that create and maintain a continuous opaque visual barrier;
 - b. The fence is not located within a required front yard; and
 - c. Shrubs or hedges are provided along any portion of the fence that is visible from any point along a public street right-of-way except screening gates across driveways. The shrubs or hedges shall be planted on triangular centers and shall be a minimum of 3 feet in height at planting, and shall be maintained at a minimum of 4 feet in height at full growth.
12. Where a pedestrian or bicycle facility is located within a Landscaped Area, the Landscaped Area must be a minimum continuous width of 6 feet (see Figure 2-389.A).



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Sec. 2-390. Approved Landscape Materials.

The following is a list of approved landscaping materials:

Table 2-390.1: Approved Landscaping Materials		
	Botanical Name	Common Name
SHADE TREES	Quercus falcata, Quercus texana	Southern Red Oak
	Quercus Virginiana	Live Oak
	Quercus natallii	Nuttall Oak
	Quercus Nigra	Water Oak
	Quercus macrocarpa	Bur Oak
	Quercus shumardii	Schumard Oak
	Ulmus crassifolia	Cedar Elm
	Ulmus Parvifolia	Drake Elm
	Carya Illinoensis	Pecan
	Taxodium distichum	Bald Cypress
	Liriodendron tulipifera	Tulip Tree
	Acer rubrum	Red Maple
	Platanus mexicana	Mexican Sycamore
ORNAMENTAL TREES	Magnolia Grandiflora	Southern Magnolia
	Magnolia virginiana	Sweetbay Magnolia
	Magnolia grandiflora 'Little Gem'	Little Gem Magnolia
	Cercis Canadensis	Redbud
	Myrica cerifera	Wax Myrtle
	Lagerstroemia Indica var.	Crape Myrtle
	Vitex agnus-castus	Chaste Tree
	Ilex opaca	American Holly
	Ilex attenuata 'East Palatka'	East Palatka Holly
	Ilex attenuata 'Savannah'	Savannah Holly
	Ilex vomitoria	Yaupon Holly
	Pistachia chinensis	Chinese pistache
	Prunus serotina	Black Cherry

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Table 2-390.1: Approved Landscaping Materials		
	Botanical Name	Common Name
SHRUBS FOR SCREENING AND BUFFERING	Prunus mexicana	Mexican Plum
	Ligustrum Japonica	Waxleaf Ligustrum
	Photinia Fraseri	Fraser's Photinia
	Nerium Oleander	Oleander
	Myrica cerifera	Wax Myrtle
	Ilex cornuta 'Burfordii'	Burford Holly
SHRUBS FOR MASS PLANTINGS	Ilex vomitoria	Yaupon Holly
	Raphiolepis indica	Indian Hawthorn
	Ilex Vomitoria 'Nana'	Dwarf Youpon Holly
	Ilex Conruta 'Rotunda'	Dwarf Chinese Holly
	Rhododendron Indica	Azalea
	Ilex Furfordii	Dwarf Burford Holly
	Pittosporum Tobira	Green Pittosporum
	Pittosporum Variegata	Variegated Pittosporum
	Pittosporum Wheeleri	Dwarf Pittosporum
	Lagerstroemia Indica (dwarf var.)	Dwarf Crape Myrtle
	Nandina Domestica	Compact Nandina
	Nerium oleander (dwarf var.)	Dwarf Oleander
	Loropetalum chinese var. rubrum	Dwarf Chinese Fringe Flower
	Rosa 'Knock-out'	Knock-out Rose
	Rosa 'Nearly Wild'	Nearly Wild Rose
	Myrica cerifera 'nana'	Dwarf Wax Myrtle
	Leucophyllum frutescens	Texas Sage
	Trachelospermum Asiaticum	Asian Jasmine
GROUNDCOVER PLANTINGS	Ophiogon Japonica	Monkey Grass
	Buxus Macrophylla japonica	Dwarf Boxwood
	Hemerocallis (evergreen var.)	Evergreen Daylily
	Liriope Muscari	Liriope
	Dietes vegeta	Butterfly Iris
	Bulbine frutescens	Bulbine
	Tulbaghia violacea	Society Garlic